

*Bondary*

*The Department of State*

# bulletin

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DISCUSSION OF KOREAN CASE IN SECURITY COUNCIL . . . . .	242
ADDITIONAL FUNDS FOR MILITARY ASSISTANCE REQUESTED . . . . .	247
U.N. CONFERENCE ON DECLARATION OF DEATH OF MISSING PERSONS & <i>Dr. John A. Mohr</i> . . . . .	248
THE 1955 PRELIMINARY CONFERENCE ON MIGRATION & <i>Dr. John A. Mohr</i> . . . . .	276
THE EUROPEAN CUSTOMS UNION STUDY GROUP & <i>Dr. John A. Mohr</i> . . . . .	281



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## Discussion of Korean Case in Security Council

*Statements by Ambassador Warren R. Austin  
U.S. Representative to the Security Council*

### COMPLAINT OF AGGRESSION UPON THE REPUBLIC OF KOREA<sup>1</sup>

Since the Republic of Korea was attacked 5 weeks ago, the action of the Security Council has been directed toward halting the aggression and restoring peace and security in the area. Implicit in all the action taken, has been the effort to keep the conflict localized.

Success for this effort would not only restore peace much more rapidly but would remove the danger inherent in every conflict—the danger of its spreading and becoming even more destructive and terrible.

It is clear that not all members of the United Nations are supporting this vital peace-making effort of the United Nations. Moral, if not material support, is being given to the North Korean authorities that can fairly be regarded as giving aid and comfort to the enemy of the United Nations. This is a matter of serious concern.

In these circumstances, it seems wise to reinforce the efforts of the Council to keep the conflict localized. I am, therefore, tabling for the Council's consideration a resolution aimed at supporting that objective. The hour is late, and I do not propose that we should discuss it today, but I ask that it be placed on the agenda for consideration at our next meeting.

#### Text of Draft Resolution<sup>2</sup>

The Security Council

*Condemns* the North Korean authorities for their continued defiance of the United Nations;

*Calls upon* all States to use their influence to prevail upon the authorities of North Korea to cease this defiance;

<sup>1</sup> Made on July 31 and released to the press by the U.S. Mission to the U.N. on the same date. The President of the Security Council for the month of August is Yakov A. Malik, U.S.S.R. representative.

<sup>2</sup> U.N. doc. S/1653 of July 31, 1950.

*Calls upon* all States to refrain from assisting or encouraging the North Korean authorities and to refrain from action which might lead to the spread of the Korean conflict to other areas and thereby further endanger international peace and security.

### RELIEF AND REHABILITATION IN KOREA<sup>1</sup>

The resolution before the Council is intended to set forth in a preliminary way the United Nations responsibilities toward the civilian population now suffering in Korea. Every military conflict brings in its wake suffering to civilian populations—the women, the children, the aged, the homeless. That is true in Korea. Refugees by the hundreds of thousands have fled before the aggression which descended on their peaceful country. Today they are in urgent need of shelter, of food, of medicine, and of many other necessities.

The United Nations has deep responsibility for meeting this problem as well as for executing a direct military operation to throw back the aggressor. The problem is not only to allay human misery. We must, in addition, recognize that these are the people who again must rebuild their country and their government when the war is ended. They must not be allowed to lose hope. They must be given the sustenance which will enable them, with strength and vigor, to begin anew, with an abiding faith in the forces of freedom.

Our examination of the problem has demonstrated to us that the most practical method of handling relief is through the unified command and its field agency, the United Nations command. Relief at this moment is, of course, an adjunct of the military operation. All our combined efforts must be meshed as smoothly as possible with the

<sup>1</sup> Made before the Security Council on July 31 and released to the press by the U.S. Mission to the U.N. on the same date.



heroic struggles of United Nations forces on the battlefield. For that reason the resolution places primary responsibility on the unified command "for determining the requirements" of relief and support, and "for establishing in the field the procedures for providing" such relief and support.

The resolution invokes for the first time one of the far-sighted provisions of the Charter—article 65. Article 65 provides that—

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

The resolution also invokes for the first time, in the case of aggression, the assistance of the specialized agencies, who have wisely, under the terms of their agreements with the United Nations, foreseen the need for integrated international action in a world crisis.

This resolution is an historic step in the total mobilization of the world's peace machinery. The agencies we have created so painstakingly over a period of 5 years are now available for a massive organized effort to meet the human problems brought upon us by aggressive warfare. It is the first time in history that such tools have been at hand, ready-made, in an emergency of this kind.

Under this resolution, the Economic and Social Council, and the specialized agencies associated with the United Nations, can begin to examine their programs and to recast them as necessary in line with practical actions they can take in the present emergency. They can also begin to plan ahead for the long-run problem of rehabilitation and reconstruction.

This is true in many fields. In matters of health, the World Health Organization will have a great contribution to make in preventing epidemics and in restoring the physical health of the nation. The Food and Agriculture Organization can contribute to the furnishing of emergency food supplies; later to the restoration of Korean farm production. UNESCO can reorganize disrupted educational facilities in the aggrieved country and utilize its experience in mass communications to tell the great story of today's international effort and to make clear the nature of the aggression in Korea. All of the specialized agencies can use their information resource to advance public understanding of their efforts in Korea and by so doing arouse the conscience of mankind to continuing vigorous action against all forms of oppression.

As relief needs became apparent, the unified command can make them known to the United Nations. All loyal members will undoubtedly wish to contribute what they can to meet these needs, in accordance with their means and resources.

Step by step we are building a United Nations program which will annihilate aggression, not only in Korea, but throughout the world community.

#### **Text of Resolution<sup>4</sup>**

The Security Council,

RECOGNIZING the hardships and privations to which the people of Korea are being subjected as a result of the continued prosecution by the North Korean forces of their unlawful attack; and

APPRECIATING the spontaneous offers of assistance to the Korean people which have been made by governments, specialized agencies, and non-governmental organizations;

Requests the Unified Command to exercise responsibility for determining the requirements for the relief and support of the civilian population of Korea, and for establishing in the field the procedures for providing such relief and support;

Requests the Secretary-General to transmit all offers of assistance for relief and support to the Unified Command;

Requests the Unified Command to provide the Security Council with reports, as appropriate, on its relief activities;

Requests the Secretary-General, the Economic and Social Council in accordance with Article 65 of the Charter, other appropriate United Nations principal and subsidiary organs, the specialized agencies in accordance with the terms of their respective agreements with the United Nations, and appropriate non-governmental organizations to provide such assistance as the Unified Command may request for the relief and support of the civilian population of Korea, and as appropriate in connexion with the responsibilities being carried out by the Unified Command on behalf of the Security Council.

#### **Statement by Secretary Acheson<sup>5</sup>**

I should like to say just a word on the resolution adopted by the Security Council on July 31 for providing relief and support of the Korean civilian population.

Under the resolution, the unified command will exercise the responsibility for determining the requirements for the relief and support of the civilian population of Korea, and for establishing in the field the procedures for providing such relief and support.

This provision is essential because relief at this moment is an adjunct of the military operation. Nothing must interfere with the smoothest possible coordination of the United Nations military effort to overcome the unprovoked aggression against Korea and the pressing problem of assistance to the Korean people. The unified command will establish the channels for making known its needs to the United Nations.

On the United Nations side, the Secretary-General will transmit all offers of assistance for relief and support to the unified command, which will make the necessary arrangements for making such assistance effective. The resolution passed on July 31 also requests the Economic and Social Council and the specialized agencies affiliated with the United Nations to assist the unified command.

<sup>4</sup> U.N. doc. S/1657 of Aug. 1, 1950; submitted to the Security Council by France, Norway, and the U.K. on July 31 and adopted on the same date.

<sup>5</sup> Made at press conference on Aug. 2 and released to the press on the same date.



Nongovernmental organizations—for example, the Red Cross—are also asked to provide such assistance.

In this way it will be possible to utilize offers of assistance to the people of Korea, whether they come from governments, the specialized agencies, or nongovernmental organizations. A number of members of the United Nations have already indicated their willingness to furnish food and materials in support of the United Nations effort in Korea, and the unified command will now be able to call forth deliveries at the proper time.

The specialized agencies can also play a considerable part in relieving the sufferings of the Koreans. For example, the World Health Organization may provide medical teams, vaccines, and other assistance. The Food and Agriculture Organization may contribute to the furnishing of emergency food supplies and to agricultural rehabilitation. The United Nations Educational, Scientific and Cultural Organization has the important task of increasing public understanding of United Nations actions in the Korean crisis.

The Economic and Social Council will exercise its function of coordinating the activities of the specialized agencies and may be concerned with the problem of long-range rehabilitation of Korea.

Finally, the United Nations Secretariat will serve as a connecting link between governments and agencies on the one hand, and the unified command on the other.

#### DEBATE ON U. S. RESOLUTION URGED\*

MR. PRESIDENT: I should like to raise a question or two about the provisional agenda which you have circulated for today's meeting.

In the first place, I note that this provisional agenda does not contain the agenda item which the Security Council was discussing at its meeting yesterday afternoon—aggression upon the Republic of Korea. It is the item which has commanded the attention of the Council at all the meetings during the past 5 weeks which you have not attended.

At the end of yesterday's meeting, after we adopted measures to speed assistance to the tragic victims of aggression in the Republic of Korea, my delegation introduced a resolution (doc. S/1653). No action was taken by the Security Council on that resolution, and it remains the unfinished business of the Security Council. It was understood that this question would be taken up at the Council's meeting today.

I realize that, since you were not present at the Council's meeting, you may not have been aware of this fact when you circulated the provisional agenda for today's meeting. However, you now

have had an opportunity, undoubtedly, to consult the records of the Security Council meeting of yesterday, and I hope you will agree that the first item of business on today's agenda should be a continuation of the discussion which was started yesterday afternoon on the United States draft resolution.

I suggest, therefore, that item 2 on our agenda for today should read "Complaint of aggression upon the Republic of Korea." This suggestion is not based primarily on technical grounds.

The United Nations has devoted great efforts throughout the past 5 weeks to halting the North Korean aggressors and restoring peace in Korea. The United Nations has put an army into the field against these aggressors. It is engaged in mobilizing the strength of the free world in support of these forces. The response of the membership of the United Nations to the request of the Security Council for assistance to the Republic of Korea has been overwhelming and is increasing daily.

Many problems face the Security Council in carrying out the great tasks to which it has dedicated itself. It is of the utmost importance to the United Nations and to the maintenance of international peace and security that these efforts of the United Nations and of this Security Council should go forward without delay or diversion.

The resolution which I tabled yesterday suggests steps which could contribute directly to ending the breach of the peace. Consideration of these steps and others which would lead to the same objective should have priority over all other matters.

Action to remove threats to the peace is the most solemn obligation of the members of this organization. The creators of the United Nations emphasized this obligation by embodying it in paragraph 1 of article 1 of the Charter. Every peace-loving state must recognize that its paramount concern must be to end the breach of the peace in Korea. So long as aggression continues, all other issues are secondary. We cannot agree that there is currently any issue so urgent as the fact that war is being waged against the United Nations.

I stress this point, Mr. President, because I note that item 2 of the provisional agenda which you have presented to us deals with the question of recognition of the Central People's Government of the People's Republic of China as the representative of China. My Government feels, however, that it is highly inappropriate for the Security Council to concern itself with this question at this time.

The United Nations should establish firmly the clear principle that the question of Chinese representation is not linked in any way with the Korean aggression. The firm opposition of the United Nations against the barbaric use of force has given strength and encouragement to all free peoples. We cannot risk the disillusionment that would flow from consideration by the United Nations under this duress of such a matter as rep-

\* Made on Aug. 1 and released to the press by the U.S. Mission to the U.N. on the same date.

resentation. We are strongly opposed to any action of this Council which might leave the impression that the question of the termination of the aggression from North Korea can be contingent in any way upon the determination of the question of Chinese representation. The acceptance of the provisional agenda in the form in which it appears before us would undoubtedly create exactly that impression.

The fact of aggression cannot be obscured by unrelated issues. The overwhelming majority of the United Nations are pooling their resources in the common cause of peace. Consideration of the Chinese representation issue in any relationship whatever to Korea would divert and distract from the great collective effort of the United Nations.

At a time when the United Nations is faced with overt defiance of its authority, it is pertinent to recall official statements made by the regime which the Soviet representative would like to have seated in the Security Council. That regime has denounced United Nations action in Korea as "armed aggression," as "intervention in the internal affairs of Korea," and as a "violation of world peace." These and other statements amount to giving assistance and encouragement to the regime against which the United Nations is taking preventive action. It would be particularly unwise to consider at this time the seating of a regime that has officially condemned the efforts of the United Nations to halt aggression in Korea.

To consider at this time the seating of a declared opponent to United Nations efforts to repulse aggression would weaken the support to which the United Nations forces at the front are entitled and would undermine our entire peace-making endeavor.

The merits of the Chinese representation issue have been considered by this Council and by almost all the other organs of the United Nations at various times during the past 7 months. All of us have had many opportunities to explain our attitude on that question. I do not wish to suggest that it is not within the right of any member of the Security Council to raise this question anew. My Government does feel strongly, however, that the question of China's representation should be considered separately on its merits at another time. Accordingly, Mr. Chairman, I shall oppose the adoption of item 2 of the provisional agenda.

I am also opposed to the adoption of the third item on the provisional agenda. As I have said, the Security Council has been dealing for 5 weeks with the Korean question. It would be entirely inappropriate for us at this late date to revise the title of the agenda item under which we are discussing the Korean question, or to accept any new title. It is quite clear that the representative of the Soviet Union, or any other delegate, can make any proposals with regard to the Korean question which he sees fit under the agenda item which we are still considering. Any implication

from the wording of the suggested agenda item that the Soviet Union is the only nation interested in peaceful settlement of the Korean question must be bluntly rejected by this Council. We have become accustomed in this and other organs of the United Nations to agenda items worded primarily with a view to their propaganda value. However, it is our long-standing practice to keep our agenda items very general and simple, and we believe we should stick to that practice in the present instance. We shall all be glad to hear what the representative of the Soviet Union may have to say on the Korean question. I am confident that the present wording of the Korean agenda item will not limit the scope of his remarks in any way. I believe it would be a mistake, however, to change the procedural arrangements under which we have been working on this subject for this past 5 weeks during his absence.

I suggest, therefore, that the sole item of business on our agenda for this meeting should be the question of aggression upon the Republic of Korea. I feel that under that item the first order of business would of course be discussion and decision on the motion which I presented yesterday. Any other proposals submitted by other members of the Council could then be considered.

I move, therefore, that the item following "Adoption of the agenda" should read "Complaint of aggression upon the Republic of Korea." I request that the Council vote separately with regard to the other two items. I will vote against approving them.

## **Nations Offer Ground Forces For Use in Korea**

*Excerpts From Statement by Ambassador Warren R. Austin, U.S. Representative to the U.N.*

*[Released to the press by the U.S. Mission to the U.N. July 26]*

In the space of only a few hours, three more countries have publicly announced that they intend to support with ground forces, in addition to their other combat forces already engaged, the United Nations effort to restore peace and true independence to the Republic of Korea. Great Britain, Australia, and New Zealand have offered ground forces augmenting those already offered by Thailand and Turkey. As United States representative to the United Nations, I express profound appreciation for the contributions to the common effort that have already been announced. The Supreme Commander of United Nations Forces in Korea has announced that our strength will "continually increase." The news of the pledges of new military aid by member nations is early evidence of the soundness of his estimate.

## Additional Funds for Military Assistance Requested

[Released to the press by the White House August 1]

*The President today sent the following letter to Sam Rayburn, Speaker of the House of Representatives, transmitting a supplemental estimate of appropriation to provide military assistance to foreign nations.*

I have the honor to transmit herewith for the consideration of the Congress a supplemental estimate of appropriation for the fiscal year 1951 of \$4,000,000,000 to provide military assistance to foreign nations.

As I pointed out in my message to the Congress on July 19, 1950, the Communist assault on the Republic of Korea has challenged the authority of the United Nations and jeopardized world peace.

It is now clear that the free nations must accelerate the efforts they are making to strengthen their common security. They now have no alternative but to increase rapidly their preparedness to defend the principles of international law and justice for which the United Nations stands. This course provides the best hope of deterring future calculated outbreaks against the peace of the world.

In view of this urgent necessity, we have been reviewing the requirements for the common defense of the free world. We have been consulting with our associates in the North Atlantic Treaty with a view to determining what additional resources must be used by them and by us to provide an adequate common defense. Most of these nations, like ourselves, are now making plans to increase their production of defense equipment and their armed forces. The greater share of this effort will, of course, be assumed by these nations themselves, out of their own resources. However, the serious problems with which they are confronted make it necessary for us to increase our military aid to them if they are to make their maximum contribution to the common defense. It is not yet possible to determine exactly what each nation involved in the common defense can and should provide.

It is already clear, however, that the security of the free world requires the United States and the other free nations to put forth a far larger effort

in a much shorter period of time than had originally been contemplated.

For this reason, I recommend that the Congress provide \$4,000,000,000 in additional funds, to be used under the Mutual Defense Assistance Program. Of this amount, it is estimated that \$3,504,000,000 will be required for strengthening the security of the North Atlantic area. The security of this area is of paramount importance to the strength of the entire free world.

The balance of the funds requested would be devoted to expanding and accelerating our military assistance to vital areas in other parts of the world. It is estimated that \$193,000,000 will be required to accelerate and increase the important programs of military assistance to Greece, Turkey, and Iran. In view of the increased jeopardy to the Pacific area caused by the Communist aggression in Korea, it is estimated that \$303,000,000 will be required to increase and accelerate military assistance to the Republic of the Philippines and to other nations in southern and eastern Asia. These funds, added to the amounts already provided and to the resources supplied by other nations, will aid in bringing our common defensive strength more quickly to the level now shown to be necessary.

It is important that the Congress make the requested amount available as soon as possible. The bulk of this money will be used to procure military equipment of the kind which takes a long time to produce. Much of it will not come off the production lines for 12, 18, or 24 months after the signing of the procurement contracts. Speed in getting this production under way is imperative if we are to have the equipment for the expanded forces that are being formed.

The productive capacity of the entire free world should be drawn on to provide the necessary equipment. The need is so great and so urgent that we should obtain the necessary defense articles wherever they can be produced most quickly, most cheaply, and with the most efficient use of the economic resources of the free nations.

While it will undoubtedly be necessary for the



United States to manufacture the major part of the equipment to be supplied out of these funds, it will also be necessary for other nations to share the burden to the extent that they can. A significant portion of the arms needed can be produced abroad. In many instances, however, there are resources and manpower which foreign countries can allocate to defense production only if those countries are supplied with additional production, equipment and materials. Such equipment and materials will substantially increase the productive resources which the free nations can devote to the common defense.

It is contemplated, therefore, in the program I am recommending, that part of the funds requested will be used to procure military items and production equipment and materials abroad and to provide equipment and materials, procured in the United States or in other countries, for defense production abroad. Authority already exists for these activities under the Mutual Defense Assistance Program. If we are to take full advantage of foreign productive capacity, we will have to use greater sums for these purposes than we have been using in the past and will have to purchase the necessary military equipment or production aids in any market where such procurement can be most effectively accomplished.

Equipment which is procured abroad under this program can either be used within the country which produces it or transferred to other countries engaged in the common defense. The equipment produced abroad, and that produced in the United States, under the Mutual Defense Assistance Program, will be made available to other free countries in accordance with their needs and their ability to use it effectively. To the extent that this equipment is not made available to other countries, it will constitute a valuable addition to our own defense stocks. I wish to make it very plain that this equipment will go forward to other countries only to supplement, and not to take the place of, their own strong efforts. Transfers to other North Atlantic Treaty nations will be consistent with definite defense plans developed by the Treaty Organization.

In intensifying our efforts and the efforts of those joined with us to increase our common defensive power, we must not lose sight of the fact that military power rests on economic strength.

It is vitally important that the free nations create a greater degree of combined military strength in being than has been previously maintained. It is also vitally important that we continue to build up our combined economic strength, capable of rapid mobilization in the event of emergency.

The expansion of the mutual defense program will not be a substitute for economic aid. On the contrary, the burden which we expect the other nations to bear in the common defense effort makes it all the more necessary to continue our economic aid. A greatly expanded program of defense pro-

duction will impose serious economic burdens, and the cost of maintaining expanded military forces will add to those burdens.

Therefore, if the free nations are to achieve the economic and military strength which are necessary for our common defense, we must continue to give full support to the European Recovery Program.

The increased military aid program I am recommending is as vital to our national security as the increased military appropriations I have previously recommended for our own armed forces. The security of the United States is inseparably bound up with the survival of the free nations associated with us in the common defense.

## U.S. Hospital Ships Designated for Use in Korea

*The following message was transmitted to United Nations Secretary-General Lie by Ambassador Warren R. Austin on August 2 and was released to the press by the United States Mission to the United Nations on the same date.*

The representative of the United States to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honor to state that the United States Navy Department has designated as hospital ships under the terms of the Geneva convention and in accordance with other agreements made on this subject, the U.S.S. *Benevolence*, the U.S.S. *Consolation*, and the U.S.S. *Repose*. Each such hospital ship has a gross registered tonnage of 11,758 tons (displacement of 15,540 tons), a length of 520 feet, one funnel (machinery and stack aft), two masts (mainmast and foremast), and three king posts, which from side view may have the appearance of masts. The marks of identification on these ships will be as follows:

- (1) Hull painted white;
- (2) Horizontal band of green, whole length of ship;
- (3) Red Cross painted in middle of starboard and port sides;
- (4) Red Cross painted on deck, illuminated electrically at night;
- (5) Red Cross painted on funnel, illuminated electrically at night.

In view of the great urgency of this matter, it is requested of the Secretary-General that the North Korean authorities be informed as expeditiously as possible of the foregoing designation, characteristics, and markings.

The United States representative would be grateful if he could be informed by the Secretary-General of receipt of this information by the North Korean authorities.

## Immediate and Urgent Need To Step Up Defenses

### ADDITIONAL FUNDS ASKED FOR MUTUAL DEFENSE ASSISTANCE PROGRAM

*Statement by Secretary Acheson*<sup>1</sup>

In view of the necessity for prompt action and in view of the fact that the appropriate legislative committees of the Congress have so recently reviewed the Mutual Defense Assistance Program, Congressional leaders of both parties have generously assured me that they will cooperate in obtaining early consideration of this matter in connection with an appropriation bill.

The details of the appropriation estimate are set forth in the letter of the Director of the Bureau of the Budget, transmitted herewith.<sup>2</sup>

The Communist aggression in Korea underlines the urgent need for strengthening the free world, quickly and effectively.

The President indicated, in his message to the Congress on July 19, 1950, the three ways in which we must push ahead at once to protect the security of our country.

One way is to increase immediately the shipment of weapons and reinforcements to General MacArthur.

The second way is to build up our armed forces.

The third way is to aid further the free nations associated with us to build up their defenses against aggression.

These three courses are interrelated and are all vital aspects of our own security.

The aggression against the Republic of Korea serves notice to the world that the international Communist movement will use not only subversion and propaganda but also the force of arms to achieve its purposes wherever it can hope to do so successfully.

Military unpreparedness would be an open invitation to further aggression; conversely, the best hope of peace in the present situation is to make it clear that acts of aggression will be resisted and resisted successfully.

<sup>1</sup> Made before the Armed Services Subcommittee of the House Committee on Appropriations on Aug. 2 and released to the press on the same date.

<sup>2</sup> Not here printed.

A study of the map of the world makes it obvious to anyone that it is not just a question of what the United States can do, or will do, to resist Communist aggression. The question is what the free world, of which we are a part, can do and will do.

The significance of the United Nations prompt response to the Communist attack on Korea is that free nations are willing—are determined—to act together in a common defense against aggression.

Many of these nations know very well what it means to be overrun by a police-state tyranny. There is no lack of resolution. There is no lack of plans for a common defense against aggression.

The immediate, urgent need is for all of us to step up our defenses. We and our friends have a tremendous defense potential—more than enough to deal with the threats which confront us. But we must, with the greatest speed, translate that potential into defense in being.

A tank in Korea today is worth many tanks on the drawing board.

It takes time to create defense in being. Many of the items that are vital to our security take from 6 months to 2 years to produce in the quantities needed. That is why it is essential that no time is lost in getting production started on many items which are vital to the common defense.

Together with the other members of the North Atlantic Treaty organization (NAT), we have been working on a program to increase the common defense of this group of nations to a level adequate to the threat. Details of this program are still being worked out, but the magnitude of the task is already apparent.

#### How the Funds Will Be Used

Of the 4 billion dollars in additional funds now being requested for the Mutual Defense Assistance Program (MDAP), it is estimated that 3,504 million dollars will be required to strengthen the security of the North Atlantic area.

This amount will enable us to proceed with those

measures which are immediately required during the fiscal year 1951 as our part of the initial phase of this defense program.

Heavy responsibilities for the increase in our common defense program fall upon the other member nations.

We recognize that commensurate efforts by the other nations, whose total economy is roughly 40 percent of ours, impose burdens more than comparable with ours; and we recognize, therefore, that we have special responsibilities toward the common effort.

Our deputy to the North Atlantic Council (NAC), Mr. Spofford, is now engaged in active consultations with the representatives of other nations in the North Atlantic Treaty Organization to work out what each of us can and will do now to increase our common defense capabilities.

We are confident of the desire and the determination of the other members of the organization to increase their efforts. A number of steps have already been taken in this direction, and others are planned.

We shall keep the Congress informed of the progress made by the members of the treaty organization in achieving an acceleration and an increase in their defense efforts.

Although the largest portion of these funds is to be used to strengthen the security of the North Atlantic area, as an area of particular importance to the strength of the entire free world, we must continue to expand and accelerate our military assistance to vital areas in other parts of the world.

In Greece and Turkey, our military aid programs have made marked progress. We are also sending military aid to increase the military strength of Iran. It is estimated that 193 million dollars of the additional funds will be needed to enable us to speed up or increase the programs in these three countries as may be required.

The outbreak of Communist aggression against Korea has also created a need for additional military assistance to the Philippine Government and to other nations in the general area of China. It is planned that 303 million dollars of the additional funds will be available for this purpose.

Recent events have made it clear that our defense efforts in all these vital areas must be increased and speeded up. The epitaph of freedom, if it is ever written, would be "too little and too late." We must have enough, and we must have it soon enough.

To make this possible, it is necessary to draw upon the resources of the entire free world. The bulk of the funds requested is needed to increase substantially the production of military equipment in the United States for use in the common defense. But all the needs for defense equipment cannot be met out of stocks and production in this country. The United States cannot and should not seek, by its own efforts alone, to create the joint defensive strength needed.

## **MDAP To Draw Upon Resources of Free World**

There are several means by which the Mutual Defense Assistance Program can draw more fully upon the resources of the entire free world than has been done in the past.

By using the authority which is contained in existing mutual defense assistance legislation for military procurement abroad, we shall be able to avoid having an undue part of the burden fall upon our own economy and to obtain many items more cheaply and more quickly than they could otherwise be obtained.

To some extent, such procurement will also ease the additional dollar strain which will result when productive facilities abroad are turned to defense purposes.

The great increase which is now required in the magnitude of our military production at home makes it necessary not only to procure abroad but also to facilitate the transfer between countries of items needed in the common defense.

This will enable us, for example, to combine jet engines produced in one country with airframes produced in a second country to bolster the air defenses of a third country.

As you know, the principle of balanced collective forces has been agreed upon and is being put into practice by the nations of the North Atlantic community. The flexibility which procurement abroad will yield will be a valuable adjunct to this principle.

In some cases, a more effective use of industrial capacity abroad for defense production can also be achieved by a relatively small increase in the aid we can furnish for this purpose. Some of these plants are now idle, for lack of an essential link in the production process. Others require assistance in conversion to defense production. By supplying vitally needed production equipment, parts, or materials, we can galvanize into action additional sources of military equipment.

On the basis of our limited experience thus far with this type of assistance, it is clear that such aid yields many times its value in finished defense equipment. With the aid of some nonferrous metals and a quantity of machine tools, for example, a production line in France was able to start turning out combat vehicles.

To make a fuller use of production capacity abroad, it will be necessary both to increase the scope and broaden the criteria for production assistance under the legislative authority which now exists.

We must recognize, in the administration of the Mutual Defense Assistance Program, that the health and the vitality of the economies of the countries associated in this effort are a fundamental part of the defensive strength of this group of nations. Resourceful and vigorous measures are required to insure that the tremendous increase in our defensive strength in being can be accom-

*(Continued on page 274)*



## THE EUROPEAN CUSTOMS UNION STUDY GROUP

by *Howard J. Hilton, Jr.*

Since its organization in 1947, the European Customs Union Study Group has been steadily examining the problems involved in the formation of a European Customs Union or separate regional unions between various European countries. The problems of a European Customs Union, as Henri Spaak, Minister of State in Belgium, pointed out in his opening address at the first meeting of the Study Group, is not only a technical one but also, and to a greater extent, a political problem. He felt that, if a group as competent as the Study Group were to throw some light on the problem and to give some concrete indication regarding the constitution of the Europe of the future, the governments would not overlook such indications. The peoples of Europe are aware that the future of their own prosperity and the future of peace, itself, depend on political accord as well as a coordination of economic efforts of the various peoples.

The first press release of the Study Group, which reiterated this view, stated:

In the circumstances prevailing in Europe today it is imperative that any proposal which might have a long term stabilizing influence both in the economic and political spheres should be studied in an earnest and positive spirit. It is in this spirit and with a full realization of the far-reaching implications that the Study Group is conducting its work.<sup>1</sup>

### **Study Group Formed September 12, 1947**

The governments represented on the Committee of European Economic Cooperation formed the

<sup>1</sup> Press release of the European Customs Union Study Group, Brussels, Mar. 23, 1948, p. 13.

European Customs Union Study Group on September 12, 1947. In the words of the declaration,<sup>2</sup> the Study Group was created "for the purpose of examining the problems involved and the steps to be taken in the formation of a Customs Union or Customs Unions" between any or all of the member

<sup>2</sup> The full text of the declaration as reproduced in the general report of the Committee of European Economic Cooperation, Paris, Sept. 21, 1947, vol. I, p. 35, follows:

During the course of the discussions of the Committee of Cooperation in Paris, it has been agreed that every available means should be found of promoting a stable and healthy economy in Europe within the framework of expanding world trade. As a contribution to the attainment of this objective the possibility of forming a Customs Union or Unions in accordance with the principles of the draft Charter for the proposed International Trade Organization has been raised, and it has been recognized that decisions to form such Unions cannot be taken without preliminary study.

The Governments of Austria, Belgium, Denmark, France, Greece, Ireland, Iceland, Italy, Luxembourg, the Netherlands, Portugal, the United Kingdom and Turkey have accordingly decided to create a Study Group for the purpose of examining the problems involved and the steps to be taken, in the formation of a Customs Union or Customs Unions between any or all of those Governments and any other Governments invited to participate in the work of the Study Group. The Governments of Belgium, Luxembourg and the Netherlands have agreed to act as sponsoring powers. They are arranging for invitations to join the group to be issued to other States and will convene a first meeting of the Study Group as soon as sufficient opportunity has been given for other States to signify their desire to adhere to the Study Group.

The Study Group will seek to establish appropriate relationships with the Interim Tariff Committee to be set up under the General Agreement on Tariffs and Trade, and with the International Trade Organization as it is established.

governments and any other governments invited to participate in the work of the Study Group.

At the time this declaration was signed, a number of the governments signified their intentions to examine the possibility of forming certain regional customs unions. The Governments of Belgium, Luxembourg, and the Netherlands which had signed the customs convention at London on September 5, 1944, stated that the Parliaments of the three countries had approved the convention and that it was to enter into force by January 1, 1948. The four Scandinavian countries—Denmark, Norway, Sweden, and Iceland—announced that they were taking steps to examine “the possibility of extending economic cooperation between their countries, including the question of the elimination, wholly or partly, of the customs frontiers of the four countries.”<sup>3</sup> The French Government declared her readiness “to enter into negotiations with all European Governments sharing these views who wished to enter a customs union with France and whose national economies are capable of being combined with the French economy in such a way as to make a viable unit.”<sup>4</sup> On September 19, the Greek and Turkish Governments declared that they would cooperate in the work of the Study Group and would study the possibility of forming a customs union.

The Study Group held its first meeting at Brussels from November 10–14, 1947, at the invitation of the countries comprising the Benelux Union. D. P. Spierenburg, head of the Benelux delegation, was elected chairman of the Study Group, and Mr. Calmes of Luxembourg, was elected vice-chairman. Representatives of the following Governments attended the meeting: Austria, Belgium, Denmark, France, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Portugal, Switzerland, United Kingdom, and Turkey. The Governments of Norway and Sweden sent observers; and, because of the special economic relationships with the United Kingdom, the Governments of Canada, Australia, New Zealand, South Africa, and India also sent observers.<sup>5</sup> Mr. Spierenburg said, in describing the work of the Study Group that, “This is the first time in history that such thoroughgoing preparatory activities have been attempted

among a large number of countries to bring about close economic cooperation.”<sup>6</sup>

#### Customs Union To Be Based on the ITO Charter

“The sort of customs union which is contemplated by the Study Group” is described in its first report as “one which would combine cooperative action among the member countries with such freedom to develop along their natural paths as possible.”<sup>7</sup> It is to be conceived within the framework of the charter for an International Trade Organization (ITO) with the objective of creating “a new entity which is something more than the sum of the countries composing it, which would enable the Union as a whole and the individual countries better to play their part in multilateral trade.”<sup>8</sup> In its technical construction, the customs union will be developed in accordance with article 44 of the ITO charter. Since most of the members of the Study Group are also Contracting Parties to the General Agreement on Tariffs and Trade (GATT), they are obligated to observe article XXIV, which is similar to article 44 of the charter. These provisions, which establish the criteria for customs unions, require the elimination of duties and other restrictive regulations of commerce with respect to substantially all the trade between constituent territories of the union and the application to the trade of territories outside the union of substantially the same duties and other regulations, which shall not, on the whole, be higher than their general incidence prior to the union. Both provisions also recognize the desirability of increasing freedom of trade by the development, through voluntary agreement, of closer integration between the economies of the countries party to such agreements.

<sup>3</sup> Subsequently, invitations were extended to the representatives of the American, British, French, and Russian zones of occupation of Germany to nominate observers. The American, British, and French, accordingly, nominated observers, but the Russians refused the invitation. The Federal Government of Germany at the fifth meeting was invited to participate as a full member in the work of the Group. The United States, at this time, was also invited to delegate observers to its meetings. The Governments of Norway and Sweden assumed full membership at the third meeting.

<sup>4</sup> Reported in *Economic Information* (*Economische Voorlichting*, Feb. 11, 1948).

<sup>5</sup> Press release of the European Customs Union Study Group, Brussels, Mar. 23, 1948, p. 12.

<sup>6</sup> *Ibid.*, p. 12.

<sup>3</sup> *Ibid.*, pp. 34 and 35.

<sup>4</sup> *Ibid.*, p. 36.

## The Problems of a Common Tariff

After preliminary study, the Study Group concluded that the establishment of a common tariff involved essentially five problems. These are (1) the establishment of a common nomenclature, (2) determination of the basis for calculating tariffs, (3) determination of the height of the tariff, (4) the selection between single and double column tariffs, and (5) the definition of dutiable value.

The Customs Union Study Group decided to use the Geneva draft as a basis for the nomenclature to be prepared. After a number of years of study, experts attached to the League of Nations prepared that draft and designed it to create a framework within which individual countries could construct their own tariffs. It consisted of 1,000 major headings which were binding while the subheadings were permissive. It was not a mandatory tariff nomenclature but one designed to establish a framework to which tariffs of other countries, in general, could be made to conform. The study was not in vain, for the Geneva draft was used in the revision of the French tariff following the war and in the preparation of the Benelux tariff. Nevertheless, recent scientific developments and the necessity to prepare a tariff that would be mandatory for all members of a European Customs Union required that considerable study and revision be made of the Geneva draft. Although the Geneva draft could allow many fine points to remain unsettled, the mandatory nature of the Brussels draft required that all of these points be settled by mutual agreement. To undertake this study, the Group established a Permanent Tariff Bureau at Brussels to operate under the Customs Committee of the Study Group.

The selection of the basis for calculating the tariffs involves, essentially, a choice between specific duties and ad valorem duties. Although specific duties have the great virtue of simplicity of application, their incidence varies greatly with changes in price levels. It was, in general, agreed that the basis of the tariff duties would be ad valorem with the understanding that specific duties could be utilized if calculation on this basis were justified for technical, economic, or fiscal reasons. The decision calling for the utilization of the ad valorem basis raised the important problem of the definition to be used in determining dutiable value.

Considerable variation is to be found in ad valorem duties depending upon the definition of dutiable value. In some countries, the c. i. f. price is used whereas in others, the United States, for example, the f.o.b. price determines the dutiable value. For those items where the original cost is low and cost of transportation and insurance is high, the variation to be found in the duties applicable according to the different systems may be considerable. The Customs Committee established a special subcommittee to study this question of valuation.

The method to be used in determining the height of the tariff, so that it would meet the requirements imposed by relevant provisions of GATT and the ITO charter, raises many problems. A straight average of the tariffs would obviously not be satisfactory for some countries have prohibitive tariff rates for special items. If these tariff rates are given equal weight, then certain products in the common tariff would require the application of a high rate of tariff which would on the whole have greater incidence for the entire area than existed prior to the formation of the union. Such an approach would create a statistical bias favoring the higher tariff countries. A purely mechanical approach based on weighted averages designed to eliminate this bias, likewise, would not be entirely satisfactory, for the height of tariffs for individual products may produce important economic implications for particular countries. It is necessary, therefore, in the determination of an average incidence, to consider the economic factors. As stated in the first report, the sample rates will gradually be developed as the common nomenclature becomes generally accepted by the experts. Arithmetical methods will be used to obtain a rough average of existing tariffs for the purpose of illustration.

No one supposes, however, that the final rates which could be put into operation could be reached save by a process of negotiation which would take into account the needs of the various countries concerned. The level of the common tariff would have important effects both on industries including agriculture and on price levels and national economies generally.<sup>9</sup>

## Economic Committee

With due consideration to this problem and its relation to the elimination of tariffs and other re-

<sup>9</sup> *Ibid.*, pp. 3-4.



strictions between prospective members of the Union, the Study Group, at its third meeting, established an Economic Committee. It has the task of examining the effects on the economies of member countries of the elimination of tariff barriers between them in the event of a customs union established according to the principles of the Iro charter. The initial program of the Committee was set forth as follows:

The study of the economic consequences of the elimination of customs barriers within a Union should initially be limited to a certain number of products or sectors of production. It is considered that the first work to be undertaken is to invite participating countries to prepare a report relating to those sectors of their national economy which would, in their opinion, be significantly affected, whether adversely or favourably, by the formation of a Customs Union. Each country represented on the Economic Committee is asked to prepare for the first meeting of this Committee, a list of products or sectors of production which it, for its part, proposes to study. These different lists would be considered by the Economic Committee at its first meeting with a view to determining which products or sectors of production included on the lists of some countries, but not of others, ought to be studied in the same way by any or all of the latter so as to obtain, (where necessary) a comprehensive picture of the effect of a Customs Union upon the sectors of economy involved in all countries where those sectors play a significant role.<sup>10</sup>

The Study Group also instructed the Economic Committee to obtain from the participating countries the data required to execute its task. The Study Group suggested that the following information would be found necessary for each product or sector of production to be studied:

1. Data showing the quantity of national production, both prewar and postwar with indications on conditions affecting production, namely, dependence on indigenous or imported raw materials, legislation, and any other measures which might affect production;
2. data on internal consumption;
3. data on imports and exports;
4. incidence of tariffs;
5. position regarding existing preferential rates of duties granted by participating countries to overseas territories and other countries outside the prospective union;
6. an indication of the policies of individual governments for developing production;
7. protective measures other than customs duties and in particular quantitative restrictions and

<sup>10</sup> *Ibid.*, attachment.

considerations relating to exchange controls; and

8. on the assumption that a Customs Union is to be fully operative the best possible estimate on the basis of available data of the effects on the volume of output, consumption, exports, imports, and employment in the sector of production under consideration.

This Committee, in carrying out the tasks assigned, submitted a full report to the Study Group for consideration at its fourth plenary session held in December 1948. The report of the Economic Committee, however, received only cursory examination. The Study Group discussed three methods by which a customs union could be achieved. The first method consisted of the formation of regional unions, such as the Benelux and the Franco-Italian Customs Union. These unions would then, ultimately, be combined into one general European Union. The second method envisaged the progressive removal of barriers, product by product, until finally all products would be freed of restrictions and a customs union would have been achieved. The third method provided for the realization of a European Union by stages, first a tariff union, then, gradual reductions until a customs union would be achieved.

The Study Group felt that these three methods were not entirely incompatible but that two tasks should be completed before any conclusions were reached. It felt that a common specimen tariff using the tariff nomenclature of the Permanent Tariff Bureau must be prepared. Also, action would have to await the studies to be made by the Organization for European Economic Cooperation (OEEC) on the coordination of the long-term programs presented by the governments.<sup>11</sup>

Since that meeting, the work of the Economic Committee has been suspended.

#### **The Customs Committee**

The Customs Committee, dealing with the more technical aspects of the formation of a customs union, has been more active than the Economic Committee, and its work has received more consideration than that given the report of the Economic Committee. The Customs Committee has established various technical groups such as the Permanent Tariff Bureau, the Valuation Subcommittee, and the Procedure Subcommittee

<sup>11</sup> Press release of the European Customs Union Study Group, Dec. 6, 1948.

to produce solutions to the problems involved in establishing a common tariff. These groups are now drafting a final text for the common nomenclature and are preparing a specimen tariff. They are also working on such problems as the definition of dutiable value, control and settlement of disputes, origin of goods, weights, tares and containers, treatment of mixtures, methods for drawing up the explanatory notes and the alphabetical index of the tariff, the provisions to be established for exceptional duty-free facilities and conditional duty-free admissions, and methods for insuring uniform application of the tariff.

After 2 years of concentrated effort, the Customs Committee produced a draft nomenclature which it submitted for consideration to the Study Group at its fifth plenary session held November 14-17, 1949. At that session, the Study Group agreed that, subject to possible contractions and revisions, the nomenclature should serve as a basis for the common tariff of a union or unions. Pending the establishment of such a union or unions the Study Group recommended that the governments concerned should conclude an international convention to make obligatory the adoption of the headings of the sections and chapters of this nomenclature. The Study Group also recommended that other international organizations should base their work on the text of the 1949 nomenclature. This work of the Study Group has already produced concrete results. Several participating countries have signified their intention to adopt the draft nomenclature in its entirety.<sup>12</sup>

#### **Future Program of the Study Group**

The next plenary meeting of the Customs Union Study Group was originally scheduled for April 18, 1950, but because of delays in the preparation of some of the reports, it had to be postponed until July 24. At the next meeting, the revision of the nomenclature, which has been entrusted to a small committee under the authority of the Customs Committee, will be considered. The task of this committee is to reduce as much as possible the number of main headings and to proceed with the adjustment of the detailed nomenclature with a view to its use as the basis for a common tariff. It will also consider an international convention

for the adoption of the main headings and a common definition of value, the preparation of which has been entrusted to another special body. This special committee is also to prepare a specimen tariff based on average rates.

The Study Group also invited the Customs Committee to present suggestions on the desirability of establishing a consultative committee of the member countries. This committee would advise on means of insuring uniformity and harmony in the application of the draft conventions regarding the tariff nomenclature and the common rules of valuation.

In connection with the trade liberalization program of the OEEC, the Study Group requested the OEEC to make available the lists of goods likely to be freed from quantitative restrictions in order that it could examine whether excessive tariffs would prevent these measures from having full effect.

The results of the next plenary session of the European Customs Union Study Group will be eagerly awaited, for they will reveal the degree of progress achieved in solving these technical problems which, after all, are but steps in the direction of greater unity and cooperation.

#### **Foreign Nationals Visiting U.S.**

Edward Michael Law Yone, editor of the Rangoon English language daily, the *Nation*.

Louis Meerts, editor of the *Gazet Van Antwerpen*, Antwerp, Belgium.

Eliezer Peri, Director General of Kupat Cholim, a medical insurance organization of the General Federation of Jewish Labor, and also vice mayor of Tel Aviv.

Arne S. Lundberg, Under Secretary for the Swedish Ministry of Transport.

Nerio Siegfried Wagner Battendieri, member of the Cabinet to the Brazilian Ministry of Labor.

Carl Axel Alenius of Helsinki, the first Finnish student to come to the United States on a scholarship from the United States Government.

These visits have been made possible through grants-in-aid awarded by the Department of State.

Eleven Korean teachers of English, the first to come to the United States on United States Government grants-in-aid under the Smith-Mundt Act, arrived at Washington on June 26 for 2 weeks stay.

The teachers came to the United States in March and, since that time, have received training in the latest methods of teaching English as a foreign language.

<sup>12</sup> Press release of the European Customs Union Study Group, Nov. 17, 1949.

## Information Requested on Japanese Held in Soviet Territory

*Statement by William J. Sebald  
Acting U.S. Political Adviser for Japan<sup>1</sup>*

At the 118th meeting of the Council on July 19, the British Commonwealth member asked if the chairman could inform the Council with respect to reports which had appeared in the press regarding an exchange of notes between the Governments of the United States and the Soviet Union on the problem of Japanese repatriation.

On June 9, 1950, the United States Government sent a note to the Soviet Government pointing out that it (the U.S.S.R.) had made no reply to the United States note of December 30, 1949,<sup>2</sup> requesting Soviet agreement to the designation of an international humanitarian body charged with making a first-hand survey of the fate of Japanese prisoners of war who are still unaccounted for in Soviet territory. In a note dated July 16, the Soviet Government stated that a full reply with respect to the matter raised by the United States was contained in two Tass dispatches which were published on April 22 and June 9, 1950. I shall hand the Secretary-General texts of the notes between the United States and the Soviet Governments for inclusion in the record.

On July 22, 1950, I received from the acting Soviet member a letter, copies of which I have already provided to members of the Council, which forwarded the text of a communication from the Soviet Ministry of Foreign Affairs dated July 17, 1950, enclosing copies of two Tass statements dated April 22 and June 9, 1950. So far as I can perceive, these two Tass statements are the same as those referred to in the Soviet note to the United States Government. I think you may be interested in having me read to you the text of the July 17 statement of the Soviet Ministry of Foreign Affairs as supplied by the acting Soviet member. It is as follows:

<sup>1</sup> Made before the Allied Council for Japan on Aug. 2 and released to the press in Washington on Aug. 3. Mr. Sebald is also U.S. member of and chairman of the Council.

<sup>2</sup> Delivered on Jan. 3, 1950; see BULLETIN of Jan. 16, 1950, p. 102.

The U.S.S.R. Embassy in Washington received a note from the State Department of the United States of America on 12 June, which asserted that there still is a large number of Japanese prisoners of war in the Soviet Union.

On 16 July the Embassy forwarded to the State Department a reply which informed them that the subject matter was completely covered by the article published in Tass on 22 April and the Tass statement of 9 June concerning the completion of the repatriation of the Japanese prisoners of war from the Soviet Union.

This is a truly extraordinary document. When one government replies to a serious proposal by another government on a subject of major importance merely by flippantly referring to a couple of statements which have meanwhile been issued by a press agency, it is indeed a novel departure from usual forms of intercourse between two friendly governments.

This headquarters, and I as chairman of this Council, have repeatedly called upon the Soviet member and the Soviet Government for information regarding Japanese interned on Soviet territory since the end of the war. We have vainly asked for even the most elemental vital statistics or any information regarding the numbers and names of prisoners held, their location, and the conditions under which they are living. In all this time—nearly 5 years—we have not received even a morsel of information which we have requested, and repatriation of those who have already returned has been a painfully tedious process subject to factors and, apparently, whims of which only Soviet authorities know the secret. And now, in reply to all of our requests, in answer to entreaties of the Japanese people and demands of the world press and public opinion, we here, like the United States Government, are told that we may find the answers to everything in two brief and cursory articles published by the Tass News Agency.

The Tass items mentioned, I may add, merely refer to a statement issued in May 1949 to the



effect that upon the return of 95,000 persons to Japan during 1949 Japanese repatriation would be completed, with the exception of 1487 prisoners who "were tried and are under judicial examination for the war crimes that they have committed" and 971 prisoners who have "committed crimes against the Chinese people." I will only remind the Council in this regard that extensive information and statistical data already placed before the Council reveal on the basis of figures carefully compiled by General Headquarters and by the Japanese Government that some 370,000 Japanese still remain unaccounted for. And, to support these figures, it is important to note that competent quarters of the Japanese Government have informed me that they have assembled the names of over 200,000 Japanese who are known to have been held on Soviet territory and have not yet been returned to Japan.

The Soviet Government must have some good reason for not giving a conscientious and forthright reply to all the requests it has received for information regarding Japanese prisoners. Can it be that the Soviet Government does not have this information—that it has never known the number, names, and locations of these Japanese? Does the Soviet Union believe that this Council and General Headquarters, or the United States Government, or the Japanese people and world opinion will be content to be referred to terse news items giving only the most meager and obviously totally inaccurate information? Does the Soviet Government perhaps desire to shift the odium of a reply to a news agency and thereby hope to avoid responsibility for such a gross distortion of truth? Can Soviet officials really propose thus cavalierly to dispose of the lives of hundreds of thousands of human beings?

Obviously, the problem of Japanese repatriation is still a long way from settlement. Clearly, our questions have not been answered; and the proposal made by the United States Government in response to a request by the Supreme Commander based on the suggestion of the British Commonwealth member still stands. Moreover, repatriation figures contained in the Tass statements cited are so widely at variance with statistics carefully compiled by General Headquarters and the Japanese Government after most painstaking surveys, as well as with eyewitness reports of repatriates already returned to Japan, as to substantiate the abundant need for an on-the-ground impartial survey such as was formally proposed by the United States Government last December and by the Government of the Commonwealth of Australia in January.

I conclude by restating the many previous requests of this Council for comprehensive and adequate information regarding Japanese who have been held in Soviet territory since the end of the war, including vital statistics and name rosters, and by expressing the hope that the Soviet Union

will, in recognition of the seriousness with which this matter is viewed in all responsible quarters, find it possible to give the most careful and favorable consideration to the possibility of accepting an impartial on-the-spot survey which has been proposed in all sincerity and in good faith.

#### *United States Note of June 9, 1950*

The Secretary of State presents his compliments to the Chargé d'Affaires ad interim of the Union of Soviet Socialist Republics and refers to the Secretary's note of December 30, 1949, requesting the cooperation of the Soviet Union in the matter of repatriating or otherwise accounting for over 370,000 Japanese nationals who, according to figures considered reliable, are in areas under Soviet control, dead or alive.

The note under reference alluded to the repatriation obligations of the Soviet Union under the Potsdam Declaration of July 26, 1945, and pointed out that the prolonged detention of prisoners after the cessation of hostilities is in patent conflict with accepted international concepts of fundamental human rights and freedoms and with humanitarian principles as set forth in the Geneva Convention of 1949 relative to the treatment of prisoners of war which was signed by some sixty Powers including the Soviet Union. In the interests of resolving a problem of long-standing concern to the Allied Powers and Japan, the note specifically requested that the Soviet Government agree to the designation of an international humanitarian body or organization charged with making a complete first-hand survey of the situation with a view to obtaining exact information on Japanese held in Soviet areas since the cessation of hostilities.

The Embassy is reminded that the note under reference has not been answered or acknowledged, directly or indirectly, since its delivery over five months ago and that an early indication of the reaction of the Soviet Government to the United States Government's proposal would be appreciated.

#### **U.S. Member of Ruhr Authority**

The Department of State announced on August 3 that the White House has approved the appointment of Charles A. Livengood as the United States representative to the International Authority for the Ruhr, with the rank of minister, succeeding Henry Parkman, who becomes head of the ECA in France.

Mr. Livengood is expected to leave Washington about August 21 to assume his new duties with the Authority, headquarters of which is Dusseldorf, Germany.

## The Point 4 Program—Plan for World-Wide Good Neighborliness

by Capus M. Waynick,

Acting Administrator, Office of Technical Cooperation and Development<sup>1</sup>

Our Government has admitted its sense of fraternal duty and enunciated a purpose to lead the free world in the pooling of resources to extend technical aid where it is needed to help lift the level of well-being. The President of the United States expressed this purpose cogently in his inaugural message in January 1949. He said:

... We must embark on a bold new program for making the benefits of our scientific advances and industrial progress available for the improvement and growth of underdeveloped areas. . . .

Our aim should be to help the free peoples of the world, through their own efforts, to produce more food, more clothing, more material for housing and more mechanical power to lighten their burdens. . . .

Only by helping the least fortunate of its members to help themselves can the human family achieve the decent, satisfying life that is the right of all people. . . .

Democracy alone can supply the vitalizing force to stir the peoples of the world into triumphant action, not only against their human oppressors, but also against their ancient enemies—hunger, misery, and despair.

Events have brought our American democracy to new influence and responsibilities.

This was the essence of the original Point 4 declaration. The United Nations unanimously acclaimed it, and the Congress of the United States has authorized the launching of a program based upon it. With planning as well-advanced as practicable before the final green light, those who are working on Point 4 are awaiting the Congressional appropriation for the first year's work.

We believe in a democratic society of free men, and we have faith in the checks and balances of the free enterprise system as a device for plenty with liberty and human dignity. But we need to do more than to believe; we need to extend that faith.

The leaders of other free peoples recognize the need. Recently, one of the most representative

meetings of the United Nations welcomed the Point 4 idea as a way to prosperity and peace. Forty-nine other nations joined the United States in pledging substantial contributions to the program.

In the period since the Second World War, we have poured out billions to help once rich and powerful nations to get on their feet. We could not leave them prostrate with their freedom at stake after the shooting ended any more decently than we could have deserted them under fire. Such great grants in aid are a device that is, and ought to be, temporary. But the restoration of prosperity in the free world calls for positive planning and neighborly cooperation. Energization of constructive forces by the injection of what we call know-how in places where it is grossly lacking is the most logical way to begin building a bridge across the "dollar gap."

America did not originate all of the ingenuity that has gone into her effective technology. For a century, men came across the seas, intelligent, ambitious men. They found here a better atmosphere for encouragement of talented adventure. Their skills along with those of the native population went into the making of the production miracle of which we boast.

This flow of immigrants reached its floodtide during the first years of the present century. The height of it brought some 9 million to our shores from the old world in the first decade of the century. Under legal restriction the tide subsided and only about a half-million entered in the 10 years ending with 1940.

We still import brains and skilled hands but not in former quantities. In the Point 4 proposal to export trained personnel for technical cooperation with the rest of the free world, we have a plan that promises to bring us as many benefits as we bestow. We have no monopoly of ideas and technical knowledge, and there is a two-way flow of both to be expected in this program.

<sup>1</sup> Excerpts from an address made before the Social Foundation at the University of Denver, Denver, Colo., on July 21 and released to the press on the same date.

Pursuant to commitments made to our American Allies during the war, we have established and maintained a number of cooperative projects in Latin America for a term of years. These have been limited largely to projects in the fields of food production, sanitation and health, and education. From this experience, we know the program can be mutually advantageous.

Development of the productive potential of the Western Hemisphere, in the long run, should be an American obsession. The population of the other American Republics in the aggregate about equals our own. They are our customers buying from us the greater part of all they import. In their possession, are raw materials we must have if our own economy is to expand. We need the friendship and economic cooperation of our American neighbors just as they need ours.

Our experience with technical assistance in Latin America helped to inspire the original concept of Point 4, and it affords us a ready guide into the practical phases of the program. We know from this experience that the plan will work. We have seen food production increased, disease reduced, vocational education advanced. We have witnessed the increase of technically trained forces in all the areas in which these projects have worked, and we are confident that extension of the program already under way is clearly indicated as the proper launching of Point 4.

Coming into the United Nations and to us from all over the underdeveloped world, are calls for help. The calls are for aid in down-to-earth practical things. How to increase food production, how to conserve food that is produced, is knowledge wanted of the program in all areas. The people who are turning to us are interested in irrigation, flood control, soil conservation, forestry, improvement and protection of grain, silos, meat and fish, slaughter houses, marketing methods, power, subsistence industries, medical education, TB, VD, malaria, cholera, leprosy and yaws control, nutrition, child care, public nursing—these and myriad other things embraceable in projects of the kind with which we have had considerable experience.

Technical forces in large numbers will be needed to man the projects contemplated for the program, but all these forces do not need to be top-flight experts. Under competent direction, the educational part of the movement will produce a constantly increasing stream of technicians drawn from our own numbers and from the personnel selected for training in the countries where the projects will be operating.

The tentative budgeting of the funds proposed for use in the program for the first year breaks operations down into 18 categories. These are the

following: Economic surveys; agriculture and forestry; fisheries; reclamation, hydroelectric power, flood control; mineral resources; industry; labor; transportation; health; education; social security and social services; statistics; public administration; financing; housing; communications; hydrographic and geodetic; weather.

Most of the program effort will be directed to getting an effective grass-roots impact on the human-need problems of food, health, and vocational education. Some of it will go to development of effective interest in power and essential local industries. If the program is successful, it will open channels for the flow of capital to aid in economic development. Loans that can be justified as safe and some considerable amount of venture capital may be expected to flow from our own country, but the most important factor should be the conversion of domestic wealth to dynamic use. In many of the underdeveloped countries, can be found such resources awaiting the spark needed for their energization.

Here, is a program designed to be a vital new part of our foreign policy. Indeed, I should say it is designed to be a basic part of the common policy of the free nations of the world.

It is coming into play in a period of emergency, but is it not an emergency program. It is not designed as an instrument of the cold war but as a logical, permanent plan for world-wide good neighborliness.

The program is not intended to substitute any force for competition but to increase the area of cooperation in a constructively competitive economy. It is something that would be needed if there were no danger from an autocracy trying to hide itself under the mantle of democracy.

Operating through the United Nations in large part as it will be and, in part, on a bilateral basis, the Point 4 Program can do what the Secretary-General of the United Nations has said he expects it to do—open a road to world peace and prosperity.

Point 4 is the beginning of a great adventure. Its purpose is to bring human energy to bear upon the great business of making the world more pleasantly habitable and life in it more satisfying. It is intended to disarm the hatreds and fears that divide men and cause war. It's an experiment in the creation of good will, the mightiest of all social forces, and the only force strong enough to turn swords into plowshares and to reduce the heavy burden of armaments which now afflicts our country and the world. Slenderly financed, it will begin frugally, as perhaps it should begin, but I believe it to be in principle the most important direction given to international policy in our time.



## The President Sends Midyear Economic Report to the Congress

*Excerpt from the President's Message*<sup>1</sup>

Recent international events make it more important now than ever before that we maintain and expand our strength on the home front. For the sinews of all our strength, everywhere in the world, are found in what we achieve here at home. We must make full use of our great productive resources, our ever-improving industrial and scientific techniques, and our growing labor force. We must redirect a part of these resources to the task of resisting aggression. And in doing this, we must not let inflation undermine our efforts.

The world responsibilities of the United States have become heavy. Clearly, they will become still heavier before the united efforts of the free nations of the world produce a lasting peace. The American people know how much is at stake. They are prepared to shoulder their tasks without flinching.

The facts should warn us equally against easy indifference and sensational alarm. This is not the time for business as usual. We are not now living under peaceful world conditions. But neither are we engaged in a general or widespread war. We are in a situation between these opposite extremes, and economic policy should be guided accordingly. It is urgent to make some shifts in economic policy now. We must also speed up our preparation now to take more drastic action later if it should become necessary to do so.

Economic policy, to the best of our ability and foresight, should proceed in line with our appraisal of the developing situation. While it should not lag behind, it should not run blindly ahead.

The international policy of the United States is directed toward averting a full-scale war. We are following the only course open to a free and strong nation in the face of the challenge confronting us. We are acting together with other free peoples, through the United Nations, to put down the aggression in Korea, and to build the combined strength needed to deter aggression elsewhere.

The response of the whole Nation to developments in the Far East has already provided an overwhelming demonstration of unity in the conduct of our international policy. This has lifted the spirits of our friends all over the world. In these difficult times, there is the same need for unity on the economic front here at home. If our economy should fail to realize its full potential,

our international strength and our domestic strength would both be affected. We cannot afford division on the home front, when some of our young men are fighting overseas. We cannot afford an economy which performs below its best, when nothing but the best will assure the triumph of freedom and of right.

This unity in our economic affairs is attainable. We have gathered a wealth of practical experience about how our economy works, and about what promotes its strength and progress. Five years after the greatest of all wars, and even before the events of last month, we had reached the highest levels of peacetime production and employment ever known. We had passed through a period of inflation and conquered a postwar recession without permitting it to deepen into a depression. Based upon this record, those who work in private enterprise and those who work in Government—of both political parties—have reached agreement upon many national economic policies. This is far more important than some of the surface disagreements.

We must expand the area of agreement in the trying times ahead. And trying times they will be. We must enlarge our military outlays and related programs, when we had hoped to be able to reduce them further. We must realize that the engagement in Korea will be costly and may not be short. We must prepare against the possibility that other crises may arise elsewhere. We must continue to recognize that both economic and military aid will be required for the further strengthening of the free peoples of the world.

All of this means new problems for our economy—soluble problems, but not easy ones.

Our economy has the human and material resources to do the job ahead—if we achieve the unity which will enable us to do our best.

Strong evidence of the power of the United States economy is contained in the record of its performance during the first half of this year. That record is summarized at the end of this Economic Report, and is detailed in the accompanying report of the Council of Economic Advisers, "The Economic Situation at Midyear 1950."

Viewed in its entirety, the economy at midyear 1950 had made a remarkable recovery from the moderate recession of 1949. New records of peacetime production, employment, and real incomes were reached. Reasonable balance of prices had been achieved. The outlook in mid-June was for stability and new growth on a sound basis. Toward the end of June, however, the Korean outbreak brought rapid changes. The necessity for large new public outlays began to have both economic and psychological impacts. Many important prices commenced to rise rapidly. New private and public policies are needed quickly to deal with these new developments.

<sup>1</sup> *The Midyear Economic Report of the President*, transmitted to the Congress July 1950 (together with a report to the President on the economic situation at midyear 1950 by the Council of Economic Advisers), H. Doc. 644, 81st Cong., 2d. sess.

## The Problem of Underdeveloped Areas

by Donald D. Kennedy

Deputy Director, Office of South Asian Affairs<sup>1</sup>

The act for international development, which became law in June 1950, establishes as national policy that there should be a broad program of technical cooperation with all who stand in need of help in carrying forward their economic development. This act makes possible the expansion of previous efforts; it authorizes the President to coordinate all the work in this field in order that maximum results may be achieved; and it permits the contribution of additional funds and personnel to the United Nations and other international organizations to expand the scope of their activities. This last possibility is of particular significance because of the effect it should have on increasing the prestige and importance of United Nations organizations. The expansion of our technical cooperation as an outgrowth of affirmed national policy will result in great benefit to us as well as to the other nations of the world. Failure on our part to implement Point 4 which was originally announced by the President in his inaugural address in January 1949 would have led to disastrous psychological reactions as well as to long-term economic losses.

The vision which has led to the development of this concept has been broad and the scope of contribution which is contemplated is wide. In general, major attention would be directed toward further improvement in agricultural methods, in health, and in education. Developments in these areas will assist and make more effective technical aid in the fields of mineral resources and industrial production. Transportation, labor standards, public administration, education, and social services are not to be neglected. Not only is it expected that experts will be detailed to foreign countries but the technicians and skilled personnel of these countries would also be brought to the United States. Other countries are to be encour-

aged to cooperate either directly or through the United Nations. And nothing would be done except through the full cooperation and prior consent of all concerned.

This program of technical cooperation is not the whole answer to the problem of economic development and improved standards of living. Many avenues of approach must be used and used in a coordinate manner. An unescapable element in the economic development of any country is the requirement for capital investment, some domestic, some from abroad. Plants, railroads, dams, irrigation works, school systems, hospitals—all these cost money and require large capital investment. The United States has been an investor in foreign lands for many years. We now have large reserves of private capital, and it is hoped that holders of this capital will make it available; but there are, unfortunately, some conditions which impede for the time being any large investment in certain parts of the world. In the past, United States citizens have preferred Europe and Latin America and, except for a few special fields such as petroleum, have left alone the underdeveloped areas of South Asia, the Near East, and Africa. In addition, fortunately, there are international and governmental sources of capital now available—the International Bank for Reconstruction and Development (IBRD) and the Export-Import Bank—and the United States will, of course, continue to support these institutions.

In many other ways we can contribute and will continue to contribute to the economic development of underdeveloped countries. The Economic Cooperation Administration (ECA) has been a major factor in the improved production of capital goods as well as consumer goods, and has made possible a much higher volume of world trade than otherwise would have been the case. It has also been of direct help to underdeveloped areas through its assistance to dependent territories of the metropolitan participants. Similar aid programs involving Greece and Turkey, the

<sup>1</sup> Excerpts from an address made before the Columbia University summer session at New York, N. Y., on Aug. 3 and released to the press on the same date.

Philippines, and Korea, and, more recently, Southeast Asia, are also effective in improving techniques, increasing output, and opening new resources or making more effective use of existing resources. In a less direct way, perhaps, but of long-term significance, are the General Agreement on Tariffs and Trade and the accompanying tariff reductions under the Trade Agreements Act and our program for negotiating modern treaties of friendship, commerce, and navigation which should establish a more certain basis for American investors.

It must be recognized that there are difficulties—substantial ones—in the way of a rapid, or even a slow but sure, development of the economies of those countries which are in most need of such development. These difficulties relate both to our giving assistance and to the coordination of such assistance with efforts by the recipients. Some of the more important of these present real problems.

#### **Limited Availability of Capital for Investment**

Perhaps the most important difficulty relates to the need for large investment of capital and the limited availability of such capital under present world conditions. On the one hand, underdeveloped countries do not possess, internally, large reserves of savings and are frequently unable to mobilize what they have; on the other hand, there has been little interest in general in such areas on the part of foreign investors. To meet their internal problem, these countries tend to move more and more toward government financing—a trend which is regarded with disfavor by our own private interests since it is a move toward more state control and socialism.

Sources for external capital include the IBRD, the Export-Import Bank, and private investors. In addition, the ECA has made capital grants and loans for development purposes to Korea, certain areas in Africa, China, Greece, and Turkey; and external capital has also been made available to the Philippines.

Of the World Bank's total loan commitments of approximately 725 million dollars since its establishment, only about 200 million dollars have been made to underdeveloped countries; the Export-Import Bank has to date extended loans to the countries of Asia, the Near East, and Africa of less than 650 million dollars, although its total loan commitments since its inception in 1934 are about 4.5 billion dollars. The record of private financing is particularly disappointing. Of the total long-term United States investment which has been made abroad in the first 4 years after the war, amounting to 14.2 billion dollars, only 2.1 billion dollars was from private sources; and of this relatively small 4-year total, a very minor fraction was invested in the underdeveloped coun-

tries of South Asia, the Near East, and Africa. For example, the total additional American direct investment in India from August of 1947 to the end of 1949 was only 1 million dollars. Further, the capital market for foreign securities in the United States appears almost nonexistent.

The reasons for this lack of interest on the part of American investors are varied. They relate to unstable political conditions, including the fear of war; absence of basic service industries, including communications, transportation, and other services of supply; presence of restrictions on the right to do business and the fear that the industries in which they might invest may shortly be nationalized and that there will not be adequate compensation forthcoming; fear of limitation on the right to expand operations and restrictions on the right to manage one's enterprise, including requirements for employment and training of local personnel and major participation by local capital; restrictions on the right to benefit from the income from investment and fear that restrictions, which typically operate through exchange controls, will preclude receipt of any of the profits; existence of unfavorable tax burdens, some of which are created by United States laws; and comparatively greater attractiveness of the United States investment market.

A way must be found through or around these difficulties. I do not believe that the American investor really expects to have all his problems disappear or be solved for him. The United States Government or the foreign government, or both together, can and will obviate or mitigate some of the hazards. It is hoped that political uncertainties will be substantially reduced through increased stability, a reduction in those current tensions now causing great concern, and steadily improving effectiveness of the United Nations in resisting aggression and in developing a basis for peaceful settlement of disputes. But, whatever the situation, investment funds from external sources will have to be forthcoming.

#### **Fear of Foreign Domination Under New Guises**

Many of these countries have but newly achieved their independence. They are sensitive about any foreign influence which might lead to domination and exploitation and, hence, look askance at an open-door policy for investors. This concern has naturally colored official announcements of economic and industrial policy, which, in turn, have revealed a direction toward greater regulation of internal economic activity and a rather favorable attitude toward present or future nationalization of some segments of their economy. Statements and regulations of this character on the part of new or of relatively unknown governments create uncertainty in the minds of outsiders and in some cases, no doubt, also in the minds of citizens of the country itself.



So far as the United States is concerned, it can be plainly said that we do not have any designs involving the establishment of a new form of colonialism which would be accomplished through the export of American capital. Only growing confidence arising out of friendly help and favorable experience will reduce this fear of foreign domination.

#### **Lack of Enough Skilled Personnel**

Nothing can be accomplished in the way of satisfactory programs without qualified people. Whether it be the control of malaria or the construction of a tire factory, personnel, both technical and administrative, is an essential. Such technicians are lacking in underdeveloped areas, and they are all too few in the United States and other technically advanced countries. It will be necessary for us to engage in a major effort to obtain people who have the qualifications technically, who are willing to leave their present employment, and who have the other personal characteristics which are essential in establishing friendly association with others of different cultures and outlook.

One of the important things is that our people should live with those who actually engage in the operations of growing food and performing other daily tasks. The man who can take a simple agricultural instrument and show people how to use it, and can explain different types of seeds and have people understand, is all important. For example, improving by 10 percent the yield of rice in Asia would contribute tremendously in meeting food needs. The people who will really accomplish something in this area will be those who know how to teach and those who understand and sympathize with the background and the attitudes of the people they are trying to help.

These are the major difficulties; others exist—many of them. They relate to local problems of security, concern with respect to political trends, the development of an organization to plan and carry out programs, dislocations caused by war, discouragement because of slow progress. We must, however, find a way not only to take individual steps but also to put together the multitude of efforts required and to make real progress on the entire front.

Point 4 is in the American tradition. Point 4 is a program of cooperation. We cannot reach the goal others are striving for simply by our own efforts; the full and freely given cooperation of all is an essential. Self-help by the governments and the people themselves will be necessary. And the individual himself must not expect a miracle of achievement to surround him and his people at any moment.

What is really at the heart of the world situation today is an attempt to control men's minds—and therefore a drive to appeal to men's minds. We

must not become lost in the physical elements of an economic program such as this, but we must consider and emphasize the moral and spiritual values which such a program can embrace and support.

What we envisage cannot be done by us alone; it will require the cooperation of everyone, including the leaders and the workers of other countries. It will require understanding of each other, confidence in our mutual aims and objectives, and a determination to carry on that will not permit us to be diverted.

#### **Reparations Plant for Producing Aluminum Offered U. S. Industry**

*[Released to the press August 3]*

The Department of State today announced the availability for purchase by American interests of a plant for the production of primary aluminum. The plant was part of the equipment of the Vereinigte Aluminium-Werke A. G. at Töging Inn, Bavaria, Germany and was awarded to the United States by the Inter-Allied Reparation Agency after consideration of claims submitted by other governments which were equally anxious to obtain this valuable equipment.

The equipment being offered is for use in the production of primary aluminum by the pot-line process, also known as the Soderberg Process. The equipment comprises, among other things, approximately 160 units of aluminum pot-line equipment with an estimated yearly productive capacity of 18,000 metric tons of pig aluminum.

Although other governments were eager to acquire this equipment, the United States, because of the desirability of increasing the aluminum production capacity in this country, pressed its claim for this equipment and it was allocated to the United States. The part plant is offered for use in this country or for use by American nationals in a third country. A number of American business firms have already expressed interest in the equipment being offered, and the State Department will make arrangements for their representatives to inspect the plant in Germany.

Dismantling of the plant began last March and should be completed early in October. The equipment, which will be sold for cash in United States dollars and which will be delivered to the purchaser at a German border point is reported to be in good condition.

The sale will be conducted on a competitive sealed bid basis with bids scheduled for opening at 10:00 a.m., Washington, D. C. time, September 26, 1950. Information and forms for bidding are available at the Lend-Lease and Surplus Property Staff, Department of State, Annex No. 7, 21st and C Streets NW., Washington, D. C.

## U.N. Conference on Declaration of Death of Missing Persons

*by John Maktos*

### HISTORY AND BACKGROUND

By Resolution 369 (IV), of December 3, 1949, the General Assembly of the United Nations decided that an international conference of government representatives should be convened for the purpose of concluding a convention on the subject of declaration of death of missing persons. The steps leading to this resolution were the following.

#### Action by Preparatory Commission for IRO

The Preparatory Commission for the International Refugee Organization (IRO) originally dealt with the subject. In its transmittal memorandum, the Preparatory Commission stated that, as a result of the Second World War and particularly of the mass deportations and the techniques of modern warfare, millions of persons had disappeared whose death must reasonably be assumed but could not conclusively be established. Considerable aid in remedying the resulting uncertainty, affecting principally marriages and inheritances, can be derived from declarations of death, but the national rules of law at present governing this matter are inadequate to meet the magnitude of the problem.

In certain countries, no declarations of death are issued. In many instances, a competent tribunal is not readily accessible to the interested persons whom the events of war have dispersed over the globe. In certain other instances, proof of death of a missing person cannot be established under existing procedures. Moreover, declarations of death obtained in one country are frequently denied legal effect in others.

Failure to furnish death certificates resulted in inability on the part of heirs to establish title to property of missing persons. Furthermore, a surviving husband or wife cannot remarry and the guardianship of orphan children cannot be definitely established.

The Preparatory Commission concluded that, in the existing stage of legal development, the coun-

tries concerned could not take simultaneous and parallel action independently of each other. An international solution of the problem had to be sought, and an international convention appeared to be the appropriate means of eliminating the existing difficulties.

In a communication to the Secretary-General of the United Nations, dated June 3, 1948, the Executive Secretary of the Preparatory Commission requested that the item, "Action for the solution of legal difficulties arising from the absence, due to war events or persecution, of persons whose death cannot be conclusively established," be placed on the agenda of the seventh session of the Economic and Social Council.

#### Action by ECOSOC

The Economic and Social Council (Ecosoc) first considered the item at its seventh session in July-August 1948. The representative of the United States declared that the problem was not limited to refugees but affected the relatives of all who had disappeared during the war, including those of six million Jews who had disappeared as a result of Nazi persecution. The representative of the U.S.S.R. stated that the problem would cease to exist once the question of refugees had been settled by the repatriation of all displaced persons desiring repatriation. The representative of Poland doubted the need for the preparation of a convention. He thought that a suitable recommendation to the member states might be sufficient. However, the Council rejected his proposal. The representatives of Australia, Chile, China, France, United Kingdom, and the United States, among others, considered that the preparation by the Secretary-General of a preliminary draft convention on the subject was a suitable method for dealing with the problem. By Resolution 158 (VII), of August 24, 1948, the Council recognized the problem to be urgent and important and one that an international convention could best solve. It

requested the Secretary-General to prepare a draft convention on the subject in collaboration with the International Refugee Organization and other competent organizations. This draft was first to be submitted to member states and then to the Council at its eighth session.

The Secretariat of the United Nations, after holding preliminary consultations with the Iro and several other organizations concerned with the problem, prepared a draft convention and transmitted it on October 26, 1948, to the member governments for comment. The Secretariat submitted its draft to the eighth session of the Council, which considered the procedure to be followed in connection with this matter. Various methods were proposed: (1) to refer the matter to a later session of the Council; (2) to refer the matter to the International Law Commission, and (3) to refer the matter to an *ad hoc* Committee of the Council.

On March 2, 1949, the Council adopted an amended United Kingdom proposal (Res. 209 (VIII)) which called for the establishment of an *ad hoc* Committee composed of seven members of the United Nations. The Committee was instructed, *inter alia*, to study the Secretariat draft and to prepare a draft or, if necessary, any other proposals in case it did not consider the drafting of a convention practicable.

#### Work of ad hoc Committee

The *ad hoc* Committee, composed of representatives of Brazil, Denmark, France, Lebanon, Poland, the United States, and the U.S.S.R., met at Geneva from June 7-21, 1949. It examined a number of comments, amendments, and suggestions by member governments, by the Iro, and by several nongovernmental organizations.

During consideration of the various procedures which might solve the problem, the representative of the U.S.S.R. argued that the conclusion of a convention was not necessary. He proposed that the task be carried out by providing full information as to the present whereabouts of displaced persons and by the introduction of legal measures by those states in which declarations of death had not been regularized by legislation. The Committee rejected the Soviet proposal and concluded that it and other procedures (such as domestic legislation and bilateral treaties) would not solve the problem since states would unlikely amend their internal laws along parallel lines without obtaining reciprocal treatment in other states. Such coordinated action would not be possible except through a more lengthy and cumbersome procedure than that involved in the adoption of a convention. The Committee then proceeded to a detailed revision of the Secretariat draft convention and prepared a text. By a vote of 5-2, it decided to report this text to the Council at its ninth session.

August 14, 1950

#### Further Action by ECOSOC

At its ninth session, Ecosoc considered the report of the *ad hoc* Committee. The majority of the representatives expressed the view that, because of the technical legal character of the convention and the urgency of the problem, the Council should transmit the draft convention directly to the General Assembly without examining its provisions in detail. By Resolution 249 (IX), of August 9, 1949, the Council recognized that the problem was urgent and required for its solution an international convention. It requested the Secretary-General to transmit the draft convention proposed by the *ad hoc* Committee together with the records of discussion of the ninth session of the Council to governments for consideration prior to the fourth session of the General Assembly. The Assembly was recommended to consider the draft convention during its fourth session with a view to having a convention adopted and opened for signature during that session.

#### Action by General Assembly

The General Assembly's Sixth Committee, to which the draft convention was referred for consideration, felt that it would not have sufficient time in which to discuss it in detail before the end of the fourth session, and, therefore, decided not to consider the substance of the draft convention.

The Sixth Committee rejected a Danish proposal to convene by March 1950 an international conference to conclude a multilateral convention.

On December 3, 1949, the General Assembly considered the report of the Sixth Committee. The representative of Denmark stated that he considered that the draft resolution submitted by the Sixth Committee, which proposed that the question be referred to member states for solution by internal legislation or by the conclusion of treaties, was not adequate. He explained that, although the amendment he had proposed in the Sixth Committee for the calling of an international conference had been rejected, the matter was of such importance that he felt the amendment should be placed before the General Assembly.

The Assembly adopted, *inter alia*, the amendment and approved the amended draft resolution by 29-1, with 15 abstentions. The resolution called for an international conference of governmental representatives not later than April 1, 1950, with a view to concluding a multilateral convention on the subject. The Assembly referred the draft convention to member states to enable them to examine it and consider the possibility of adopting, if necessary, legislative measures on the legal status of persons as a result of events of war. Member states were also requested to transmit their comments to the Secretary-General so that he might report on them to the General Assembly at its next regular session.



On December 9, 1949, the Secretary-General issued invitations to all member governments to attend the conference.

## CONFERENCE ON DECLARATION OF DEATH OF MISSING PERSONS

The United Nations Conference on Declaration of Death of Missing Persons met at the temporary headquarters of the United Nations, Lake Success, New York, from March 15–April 6, 1950. The Governments of the following 25 states were represented at the Conference by delegations: Belgium, Bolivia, Brazil, Burma, China, Cuba, Denmark, Ecuador, France, Greece, India, Israel, the Netherlands, Nicaragua, Pakistan, Peru, Philippines, Sweden, Syria, Turkey, United Kingdom, United States, Uruguay, Venezuela, and Yugoslavia. The Governments of the following six states were represented at the Conference by observers: Canada, Egypt, Ethiopia, Iran, Mexico, and Thailand. The IRO also was represented by an observer.

John Maktos represented the United States.

The Conference used as a basis for discussion the *ad hoc* Committee's draft convention. On March 17, 1950, the Conference appointed a drafting committee which was composed of the representatives of Belgium, Brazil, Ecuador, France, Israel, the Netherlands, Turkey, the United Kingdom, and the United States. This Committee held 15 meetings during the period between March 21 and April 3, 1950.

The Conference examined a number of amendments and suggestions and prepared a revised convention which differed from the one submitted by the *ad hoc* Committee. The Conference approved the convention, as a whole, by 20 votes – 0, with 1 abstention (Yugoslavia). The convention prepared by the Conference for accession by states is annexed to a final act signed at Lake Success on April 6, 1950, by all the delegates present (21 of the 25).<sup>1</sup>

## DISCUSSION OF THE CONVENTION ON DECLARATION OF DEATH OF MISSING PERSONS

### Introduction

The following discussion analyzes the principal differences between the convention proposed by the *ad hoc* Committee which was used by the Conference as a basis for discussion, hereinafter referred to as the draft convention, and the convention finally adopted by the Conference, hereinafter referred to as the convention.

The United States delegate to the Conference

succeeded in obtaining all the amendments which were considered desirable from the United States point of view. The following discussion emphasizes the adoption of these amendments.

### Objectives of Convention

The convention, consisting of 20 articles, has 2 main objectives: (1) to facilitate issuance of declarations of death of missing persons on a broad jurisdictional basis, affording a convenient choice of tribunals and a simple and inexpensive procedure; (2) to provide for the recognition of such declarations made under the convention by other states parties to the convention.

### Discussion of Provisions of Convention

#### SCOPE

By article 1, the convention provides for declarations of death of persons whose last residence was in Europe, Asia, or Africa, who have disappeared between the years 1939–1945, under circumstances affording reasonable ground to infer that they died in consequence of events of war or of racial, religious, political, or national persecution. These persons are referred to as "missing persons." Members of armed forces serving in the continents mentioned above, are not, by reason only of such service, considered as having had their residence in those continents.

The only difference between the draft convention and the convention is that the latter provides also that contracting states may, by notification to the Secretary-General of the United Nations, extend its application to persons having disappeared subsequent to 1945 under similar circumstances. Such extension will apply only as between those states which have made such notification. This provision originated in an amendment introduced by Pakistan to extend the scope of the convention to persons who have disappeared "as a result of events of war, or other disturbances of peace during the postwar years until the present time or may be so reported hereafter." The delegate of the Netherlands opposed this amendment on the ground that a number of states might have difficulty in accepting the convention if such wider scope was given to it. The delegates of Belgium and Israel expressed a similar view and the latter offered an amendment to article 1 which was substantially the provision finally included in this article.

The delegate of the United States stated on April 6, 1950, that he wanted it understood that the word "persecution" in article 1 referred to "mass persecution in a country." The chairman of the Conference inquired whether there was any opposition to this understanding. There was no opposition and this understanding went into the record.

<sup>1</sup> U.N. doc. A/Conf. 1/9.

## COMPETENT TRIBUNALS

The tribunals which are competent *ratione loci* to issue declarations of death are enumerated in article 2. The term "tribunal" as used in the convention applied "to all authorities empowered *ratione materiae* to determine the fact of death under the governing domestic law." Under article 2 of the draft convention, state courts of the United States could have been considered "competent" to issue declarations of death. Since, under article 3 of the convention, a competent tribunal must ("shall") issue a declaration, if the conditions of that article are met, the proposed convention raised the question whether state courts, which in given circumstances would be "competent tribunals," could be required to issue declarations of death by the convention. In order to avoid difficulties of this nature, the United States delegate proposed that there should be inserted in this article a provision authorizing a contracting state to designate at least one tribunal which would, in all cases, be competent to issue the required declarations. A provision to this effect is found in paragraph 3 of article 2 of the convention.

To the list of relatives empowered by the draft convention to apply for declarations of death there were added in paragraph 2 (v) of article 2 certain additional ones such as grandparents, uncles, and aunts.

The Conference rejected a Yugoslav proposal which was intended to give priority to certain tribunals because it felt that it would vitiate the purpose of the convention. Because of this rejection, the delegate of Yugoslavia abstained from voting on the convention as a whole. He did, however, sign the final act of the Conference.

## APPLICATION FOR DECLARATION OF DEATH

Article 3 provides that any person having "a legal interest in the matter" or "an authority charged with the protection of the public interest" may apply for a declaration of death. It also specifies what persons may be considered as having a legal interest in, as well as the conditions that must be met to entitle one to, the issuance of a declaration of death. The provisions of this article are practically the same as those of the corresponding article in the draft convention, except that a provision in the latter authorizing certain organizations to be considered as having a legal interest was eliminated at the instance of the delegate of the United States.

## DATE OF DEATH

Article 4 of the draft convention provided that in the absence of any other indication, the date of death should be fixed as the last day of the year during which death probably took place, provided that this date should have no effect in causing the lapse of an insurance policy for nonpayment of

premiums during that year. The United States representatives proposed this proviso at Geneva, because our courts, in order to avoid the consequences of a lapse in insurance premium payments, would frequently presume, in the absence of specific evidence, that death occurred at the time of disappearance. Thus, if premium payments in a given case, ceased in January or February, the proviso would prevent a forfeiture which might otherwise occur by reason of fixing the date at the end of the year as was required by the draft convention. In the convention adopted by the Conference, the proviso was eliminated, but the date of death was fixed as the "date of disappearance" and not the last day of the year during which death probably took place.

## EFFECTS OF DECLARATIONS OF DEATH

The convention provides in article 5 that declarations of death shall constitute in the other contracting states "prima facie evidence of death and the date of death until contrary evidence is submitted." However, contracting states may, by special arrangements which shall be notified to the Secretary-General, grant broader effects to declarations issued in their respective territories.

Article 5 of the convention was substituted for articles 5 and 11 of the draft convention. Article 5 of the draft convention provided that a declaration of death should have the same effect in the country in which it was issued "as the official death certificate issued in accordance with the national laws of that country." Article 11 provided that declarations of death should be given the same effect as declarations issued by the tribunals of the state where presented, provided that, in states whose "constitutional system at the time of ratification of the convention did not permit the issuance of declarations of death," local law might provide that declarations issued under the convention should have the effect of a prima facie presumption of death and, in the absence of contrary evidence, should require a finding of death of the missing person on the date established in the declaration of death.

From the point of view of the United States, the provisions of article 5 and of article 11 of the draft convention were undesirable. It was felt that the provision of article 5 went too far in providing that every declaration should have the same legal effect in the country of issuance as an official death certificate issued in that country. It was felt that this article should be eliminated in its entirety and that article 11 should be amended so as to change the clause "whose constitutional system at the time of ratification of the Convention did not permit the issuance of declarations of death" to read "in states whose legal systems at the time they become parties to the present Convention do not provide for the issuance of declarations of death." This amendment would change the question in each case from the academic one of whether a constitutional

system might authorize declarations of death to be issued to the more definable one of whether the existing legal system actually provides for the issuance of declarations of death. In the convention, the provisions of article 5 of the draft convention were eliminated, and, in article 5 of the convention, the provisions of article 11 were changed so as to enable states by special arrangements between themselves to grant to a declaration of death broader effects than that of *prima facie* evidence. Article 5 of the convention maintains the provision which gives only "prima facie" effect to declarations of death until contrary evidence is submitted. The undesirable provision regarding the "constitutional system" has been eliminated.

#### **EFFECT OF DECLARATION ISSUED PRIOR TO CONVENTION**

Article 6 of the convention provides that declarations of death issued in the territory of one of the contracting states before the entry into force of the convention shall have, in the other contracting states, the validity of a declaration issued under this convention if the issuing tribunal certifies that the declaration satisfies the conditions and requirements which are, at present, contained in articles 1, 2, and 3 of the convention. The delegate of the United States pointed out that such a provision might be objectionable since it might be interpreted to affect rights acquired before such a declaration is presented. In order to meet this point, the Conference approved his proposal that the following provision be incorporated in article 6: "However, property or other rights acquired in such territory before such a declaration is presented shall not thereby be impaired."

There was no corresponding article in the draft convention; and, as a consequence, the numbers of practically all the remaining articles of the convention do not correspond with those of the draft convention.

#### **RES JUDICATA OF DECLARATIONS ISSUED PRIOR TO CONVENTION**

According to article 7, the convention shall not be construed as impairing the force of *res judicata* of final declarations of death having acquired the force of *res judicata*. There was no such provision in the draft convention.

#### **INTERNATIONAL BUREAU FOR DECLARATIONS OF DEATH**

Article 6 of the draft convention provided that there should be "established an International Bureau for Declarations of Death" and that the expenses of the bureau should be allocated among the states parties to the convention in accordance with the scale to be established by the Secretary-General in consultation with such states. During the discussions of the provision regarding expenses at the meeting of the *ad hoc* Committee at Geneva,

the United States representative secured the deletion of the provision regarding allocation of the expenses among the states parties to the convention. However, this action was reconsidered, and the provision was reinstated at Geneva. The representative of the United States continued to urge the desirability of keeping expenses at a minimum and of financing them out of the United Nations budget.

The provision regarding allocation of expenses according to a scale to be established by the Secretary-General being undesirable from the point of view of the United States, the delegate of the United States proposed that the bureau should be established "within the framework of the United Nations." He pointed out that, since the convention is to deal with a problem of general interest to the United Nations, it should be financed on the same basis as any other integral part of the United Nations. The Conference adopted the United States proposal.

#### **COMMUNICATION OF APPLICATIONS**

The provisions of article 9 relating to communication of applications to the international bureau by a tribunal are substantially the same as those of the corresponding article 7 of the draft convention.

#### **PUBLICATION AND COMMUNICATION OF DECISIONS**

Article 10 of the convention, which deals with communication of decisions to the international bureau by tribunals and publication of lists by the bureau, is substantially the same as the corresponding article 8 of the draft convention except that notice to the bureau of proceedings for reconsideration is also required.

#### **LETTERS ROGATORY**

Article 9 of the draft convention provides that the conditions under which tribunals were to afford each other "mutual assistance in proceedings under the present convention shall be governed by special agreements relating to mutual assistance among tribunals or by the applicable legislation of each country."

The corresponding article in the convention, article 11, replaces this text by a provision that the contracting states would execute letters rogatory relating to proceedings under the convention in accordance with their domestic law and practice and international agreements concluded or to be concluded.

#### **EXEMPTION FROM COSTS AND FREE LEGAL AID**

The draft convention provided in article 10 that proceedings under it should be granted exemption from all costs and charges and that free legal aid should be provided in all cases where, under the



national law, such exemption or assistance is granted to nationals of the country where a proceeding is pending.

The delegate of the United States pointed out that there was no reason why all proceedings under the convention should be granted exemption from all costs. Furthermore, he stated that free legal assistance should be provided to aliens only where, in like proceedings, such exemption was granted to nationals. The corresponding article of the convention, article 12, takes care of these objections by providing that aliens instituting proceedings under the convention shall be granted exemption from costs and free legal aid only in cases where, under domestic law, such exemption or aid is granted in like proceedings to nationals of a country where a proceeding is pending. Indigent applicants are made exempt from the requirement of posting security for costs which are imposed on aliens alone.

#### **ACCESSION**

Article 12 of the draft convention opened the convention for signature or acceptance by a state. The word "state" was defined as including "the territories for which each State Party to the present Convention bears international responsibility."

Article 13 of the convention amended the corresponding article 12 of the draft convention by providing that the convention should be opened for "accession" rather than for "signature or acceptance." The United Kingdom delegate stated that signature was a symbolic act without legal consequence and the representative of the United Nations Secretariat explained that the use of accession was not unprecedented in the United Nations. The delegate of the United States associated himself with the remarks of the delegate of the United Kingdom.

The broad definition given to the word "state" in the draft convention presented some difficulties for certain countries such as the Netherlands and the United Kingdom, which customarily consult with certain of their overseas territories before accepting any international agreements on behalf of those territories. The delegate of Belgium introduced an amendment to this definition, which would allow a contracting party to stipulate that the convention would not apply to certain of its territories for which it bears international responsibility. After the delegate of the United Kingdom had spoken in favor of the proposal, the delegate of the United States supported the amendment which was substantially incorporated in article 13 of the convention.

This article now provides that the word "state" includes all the territories of a state unless the state concerned, on acceding to the convention, has stipulated that the convention shall not apply to certain of its territories. Any state making such a stipulation may, at any time thereafter, by noti-

fication to the Secretary-General of the United Nations, extend the application of the convention to any or all of such territories.

#### **ENTRY INTO FORCE**

Article 14 of the convention provides that the convention shall come into force on the thirtieth day following the date of deposit of the second instrument of accession. This language is practically the same as that of the corresponding article of the draft convention.

Article 14 provides also that for each state acceding to the convention after the deposit of the second instrument of accession, the convention shall enter into force on the thirtieth day following the date of deposit of its instrument of accession. This provision is, likewise, substantially the same as that of article 13 of the draft convention.

#### **APPROVAL BY GENERAL ASSEMBLY**

It is provided in article 15 of the convention that the establishment of the international bureau within the framework of the United Nations "shall require the approval of the General Assembly of the United Nations."

#### **NOTIFICATIONS BY SECRETARY-GENERAL**

Article 16 of the convention, which corresponds to article 15 of the draft convention, specifies the seven notifications which must be made by the Secretary-General.

#### **DURATION**

According to article 17, the convention shall be valid for a period of 5 years from the date of its entry into force. This provision is the same as that of the corresponding article of the draft convention. However, article 17 of the convention contains the following provision which was not in the draft convention: "proceedings initiated during, but not concluded before, the expiration of the validity of the convention may be continued" and their effects will be the same as if they had been completed before the expiration of the convention.

#### **SETTLEMENT OF DISPUTES**

Article 18 of the convention, as in the corresponding article of the draft convention, provides that disputes relating to the interpretation or application of the convention which have not been settled by other means shall be referred to the International Court of Justice. A provision that a dispute shall be brought before the Court either by notification of a special agreement between the parties to the dispute or by a unilateral application of one of them supplements the draft convention.

## RESERVATIONS

Article 19 of the draft convention provided that the Secretary-General shall determine, in the first instance, whether a reservation to the convention should or should not be accepted. His determination was to become final unless he had received, within 3 months from the date of his communication to the states concerned, communications from a majority of states disagreeing with his determination. However, this provision was not to apply to reservations regarding certain articles.

The delegate of the United States objected to this provision as a radical and undesirable departure from the usual practice. The other delegations expressed similar views and the delegate of Belgium proposed an amendment which became, in substance, article 19 of the convention.

It provides that states may make their accession to the convention subject to reservations which may be formulated only at the time of accession. If a contracting state does not accept the reservation which another state may have thus attached to its accession, the former may notify the Secretary-General that it considers such accession as not having come into force between the state making the reservation and the state not accepting it.

## LANGUAGE AND DEPOSIT

Article 20 provides that the convention, of which the Chinese, English, French, Russian, and Spanish texts are equally authentic, shall be deposited with the Secretary-General, who will transmit certified copies thereof to the States concerned.

## ILO Preliminary Conference on Migration

*by Irwin M. Tobin*

The Preliminary Conference on Migration which met at Geneva April 25-May 9, 1950, was convened in accordance with a decision of the International Labor Organization (ILO) Governing Body taken at its one hundred tenth session (Mysore, December 19-January 1950). Although the Conference was, in many respects, a point of departure for a new type of positive ILO program in the field of migration, several years of discussion and activity on the part of the ILO in the migration and manpower fields had preceded it. The Permanent Migration Committee of the ILO, which met three times between 1946 and 1949, had considered various phases of migration for employment and land settlement, concentrating upon the formulation of a convention, model agreement, and related documents concerning the rights of migrants for employment. The convention, which the 32d ILO Conference formally adopted in June 1949, is now before governments for ratification.<sup>1</sup>

Meanwhile, the ILO had been developing an active concern with the problem of balanced manpower utilization as a contribution to economic recovery and development. The third session of the Permanent Migration Committee (January

1949) recommended to the Governing Body that the ILO pursue an active policy to assist governments in making full use of their manpower. The program subsequently adopted, and now being carried out, includes steps to strengthen employment services, develop international definitions of occupations, and improve methods of industrial training.

The 32d session of the International Labor Conference further recommended that it should be the general policy of members (of the ILO) to develop and utilize all possibilities of employment, and for this purpose to facilitate the international distribution of manpower, in particular the movement of manpower from countries which have a surplus of manpower to those countries which have a deficiency.

The Preliminary Conference on European Migration was called as the first major step to implement this recommendation. Countries of immigration and emigration directly concerned with migration within Europe or from Europe to other continents were invited to be represented, as were the United Nations and its specialized agencies. The role of the ILO among the international agencies concerned with migration had already been confirmed in discussion of the United Nations specialized agencies coordinating committee and in a special meeting in February 1949, initiated by the ILO. The Preliminary Conference, therefore, took

<sup>1</sup>For the activities of the Permanent Migration Committee see article on third session of the ILO Permanent Migration Committee, *BULLETIN* of Apr. 3, 1949, pp. 421-424. For U.S. delegation to the preliminary conference, see *BULLETIN* of May 15, 1950, p. 779.

place with the full agreement, participation, and support of the international organizations.

The purpose of the Migration Conference, as stated by the ILO, was "to find a solution for the difficulties now restricting the movement of people from European countries which are overpopulated in terms of present-day economic development to countries inside and outside Europe which urgently need manpower for their own development."

In the opening address to the Conference David A. Morse, Director General of the ILO, emphasized that the Conference was not legislative but practical in character and that it should constitute a step forward to "uncover the practical obstacles to the solution of manpower problems and to take, in cooperation with the governments and international organizations concerned, more direct action to solve them." He further stated that "for each of the other international organizations represented the conference provides a similar opportunity to carry forward its operating program successfully. For those of you representing immigration and emigration countries, the conference makes it possible to divine the character of your problems, to see them in relation to the problems of others and to discuss techniques for meeting them."

#### **Agenda**

The agenda of the Conference was laid down as follows:

(1) Exchange of views on present position as regards migration and factors restricting its development:

- (a) position as regards current emigration;
- (b) manpower in Europe available for emigration; demands for manpower for immigration countries;
- (c) ILO activities to assist migration; activities of other international organizations in this field.

(2) Measures necessary to organize migration on the international and national levels, in particular—

- (a) methods of determining:
  - (i) the number and qualifications of workers available for emigration;
  - (ii) the number and qualifications of workers required by immigration countries;
- (b) appropriate methods for organizing recruitment, selection, transport, reception, placement, and settlement of migrant workers.

(3) Migration and economic development:

(a) desirability of establishing machinery for promoting economic development with respect to both industrial and agricultural projects, taking into account needs for foreign manpower; industrial projects; land settlement schemes;

(b) technical assistance which international organizations can provide.

(4) Financial basis for plans for economic development; advances and technical aid from international organizations; private capital investment.

#### **Participation**

The governments represented included almost all of those concerned with migration within and from Europe. European governments on hand were: Austria, Belgium, Denmark, Finland, France, Greece, Italy, Luxembourg, the Nether-

lands, Portugal, the United Kingdom, Sweden, and Switzerland. The German Federal Republic was also represented by observers, who were accompanied by officials of the Allied High Commission for Germany.

Overseas countries represented were, from the American Republics: Argentina, Bolivia, Brazil, Chile, Colombia, El Salvador, Ecuador, Guatemala, Mexico, Panama, Peru, Uruguay, and Venezuela. Other overseas countries were Australia, Canada, and the United States.

The international organizations present were: the United Nations, the Food and Agriculture Organization (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), International Bank for Reconstruction and Development (IBRD), the International Refugee Organization (IRO), the International Trade Organization (ITO) (interim commission), and Office of European Economic Cooperation (OEEC) (observer).

The ILO Governing Body members were the Chairman, L. E. Troclet of Belgium; for the government group, Helio Lobo of Brazil; for the employers' group, P. Campanella, president of the Genoa Industrial Association; and for the workers' group, F. S. Santi, secretary of the Italian General Confederation of Labor, who was replaced toward the end of the Conference by J. Mori, secretary of the Swiss Federation of Trade Unions.

The Conference met in plenary session, Committee of the Whole (for discussion of agenda item 1), and two committees, of which the first discussed agenda item 2 and the second, agenda items 3 and 4. In addition to this Conference organization, based upon the agenda, the heads of delegations were called together on several occasions for discussion of special problems concerning the future organization of international efforts to facilitate migration.

#### **Work of the Committees**

##### **COMMITTEE 1**

The leading objective of this committee was to devise means of overcoming obstacles to migration of an administrative or technical character. Subjects considered included (1) provision of information on migration opportunities; (2) improvement of recruitment and selection methods; (3) assistance to emigrants; (4) simplification of administrative procedures; (5) the conditions and financing of transport; (6) improved reception facilities; (7) placement and settlement services; (8) transfer of funds and assets, and (9) social security rights of migrants. The recommendations adopted were addressed, as appropriate, to governments of emigration and immigration countries and to international agencies. In addition, the conclusions of the committee were intended to lay the basis for a program of technical assist-



ance by the United Nations and specialized agencies, especially the ILO, who declared their readiness to make the necessary facilities available.

Among the technical assistance programs envisaged by the committee were aid to requesting governments in the establishment and execution of recruitment and selection programs, including the organization of training courses for officials responsible for the recruitment and selection of migrants; help in developing appropriate facilities for information and assistance to migrants and in organizing reception centers and placement and settlement services; development of arrangements for systematic exchange of information on manpower surpluses and deficits; promotion of greater uniformity in occupational nomenclature; assistance in preparing "manpower budgets," and assistance in facilitating the application of bilateral agreements. As illustrations of the activities of other international organizations, the FAO was expected to aid immigration countries in meeting the problems arising in connection with the settlement of migrants on the land; the IRO offered to provide information on migration techniques based upon its experience in handling DP's, and UNESCO was to undertake studies concerning cultural assimilation of immigrants.

#### COMMITTEE 2

The discussions and recommendations of the second committee, which dealt with migration and economic development, were necessarily of a more tentative and general character, especially since it was recognized that the action required lay outside the competence of the ILO. The committee noted the steps already being taken to promote economic development which could contribute to an expanded immigration, and recommended that action along these lines should be accelerated.

It was further proposed that in order to achieve more effective utilization of European manpower through migration linked to economic development (1) the United Nations and the ILO should be requested to undertake a joint study of the relationship between European migration and overseas economic development; (2) it was suggested that interested immigration countries should consider whether they wish to submit to the International Bank requests for financial assistance for execution of projects of economic development which might lead to increased immigration, in the light of a statement by the Bank that it would be glad to consider such applications; (3) the attention of Ecosoc was drawn to the desirability of the provision of United Nations technical missions, upon request of interested governments, to review their economic possibilities with particular attention being given, other things being equal, to enterprises likely to stimulate immigration; (4) the United Nations was requested to undertake a study of the desirability of increasing purchases of products of immigration countries in

order to enable them to acquire the machinery and equipment indispensable to their economic and social development, which could in turn facilitate migration; (5) the ILO was asked to obtain from the governments and international organizations concerned, on a regular basis, information on the more important economic development projects related to migration, and (6) the Secretary-General of the United Nations was requested to have the conclusions of the Conference, as they concerned the financing of economic development in relation to immigration, discussed at the third session of the Economic Commission for Latin America.<sup>2</sup>

#### The Plenary Sessions

The plenary sessions of the Conference, which adopted the conclusions of the committees with only minor changes, also afforded an opportunity for an exchange of views on the present position as regards migration and factors restricting its development. Special meetings of heads of delegations, which were concerned primarily with formulation of a general resolution dealing with the further steps which should be taken by the ILO to develop international activities designed to facilitate European migration, also were held.

The exchange of views on agenda item 1 resulted in valuable statements of government policy with regard to emigration and immigration, stressing the obstacles which must be overcome, particularly in immigration countries, before large-scale immigration above existing levels may be contemplated. Among the obstacles, special stress was laid on those relating to economic development and its financing, the development of markets and communications to open up unexploited areas, the existing differences in living and working conditions between countries of emigration and immigration, and the obstacles of an administrative nature which complicate the processes of migration for individual migrants.

Attention was drawn to the part which could be played by the interested governments and various international organizations in surmounting these and other obstacles, and particular value was attached to undertaking coordinated programs of technical assistance in the migration field. It was also emphasized that while many of the problems before the Conference concerned organized migration, the vital contribution made by spontaneous individual migration should not be underestimated. General agreement was reached on the need to facilitate such spontaneous migration by enabling it to take place with a minimum of friction. Many delegates emphasized that the human and social aspects of migration must be constantly borne in mind, and reference was also made to the natural desire of trade unions to protect the interests of their members. To this end stress was laid

<sup>2</sup> Held in June 1950 at Montevideo.

on the value of the Migration for Employment Convention and related instruments adopted by the 1949 International Labor Conference.

In view of its significance as a point of reference and future development of international assistance for migration, the general resolution adopted by the Conference is reproduced in full.

The Preliminary Migration Conference of countries directly concerned in migration within Europe or from Europe to other continents,

HAVING BEEN CONVENED by the Governing Body of the International Labour Office and having met in Geneva from 25 April to 9 May 1950,

INSPIRED by the most generous principles of human solidarity,

CONSCIOUS that a stable peace can be achieved only through the attainment and preservation of the common weal,

EXPRESSING the view of the various delegations concerned that it is indispensable to promote a higher degree of co-operation between the nations for the purpose of finding a solution to the grave problem of surplus manpower in certain countries of Europe,

CONSIDERING that:

1. The existence of this surplus of manpower endangers the exercise of certain essential human rights, such as the right to work and the right to enjoy a minimum of social and economic security;

2. Such a situation produces a state of discontent which not only threatens to disturb the social and economic equilibrium of the countries concerned but also, through its natural repercussions, may have serious prejudicial effects upon other parts of the world;

3. On the other hand, certain other countries are looking to international assistance and co-operation in order to attain the economic development and increased technical capacity needed for expansion and prosperity;

4. Such development and such increased technical capacity, combined with the economic potentialities and natural resources of these countries, can contribute on a significant scale to the absorption of manpower surpluses by means of an intensification of migration;

5. While many efforts in this connection have been made in the past by emigration and immigration countries and by international organizations, much still remains to be done to the same end;

*Appeals* to the countries concerned and to the international organizations to contribute in a spirit of understanding and full human solidarity to a satisfactory solution of the problems caused by surplus population in certain parts of Europe; and

*Recommends:*

That the United Nations and the Specialized Agencies do everything in their power, taking into account the conclusions of the Conference, to further European migration by technical assistance or other means;

That the International Labour Organisation:

- a. Intensify its present activities in the field of migration; and

- b. Suggest the best form of co-operation on the international level with a view to the achievement of the aims set forth above; and

- c. Draw up, after consultation with the Governments concerned, appropriate proposals for submission to them at a subsequent meeting."

## Conclusions

In opening the Conference, Director General Morse laid particular stress on its "preliminary" character. It was regarded as essential that, before substantial and effective efforts could be made

in the migration field, a full examination of all the factors was required; the purpose of this Preliminary Conference, therefore, was to make the necessary information available, bring problems to light, and propose whatever steps could be taken.

In addition to an essential exchange of views, the Conference adopted practical recommendations for technical assistance and government action which, if carried out, hold promise of having a substantial long-range impact bearing upon solution of the migration problem. The meeting recognized that certain matters existed, for example, financing economic development or transport, with which this Conference itself was not in a position to consider. However, even there the outlines of the problems were discerned and steps were taken which should insure continued examination and development of fruitful lines of action.

During the course of the Conference, the United States delegation emphasized (1) the contribution now being made by the United States, especially through our DP legislation, in absorbing the war-dislocated refugees and expellees in Europe; (2) the interest of the United States in helping to find solutions for the problem of overpopulation in certain European countries, and the related problem of manpower needs for economic development in countries of immigration; (3) the desirability of an international technical assistance program in this field to be carried out by ILO, and (4) the willingness of the United States to examine, within the framework of existing aid programs, ways in which the United States might be of assistance with regard to essential migration movements. The United States representatives also supported the general resolution which authorized the ILO to proceed with further exploration of international activities to facilitate migration.

The profound interest of the United States in the problems discussed at the ILO Conference was reflected in the declaration on migration adopted by the Foreign Ministers of the United States, the United Kingdom, and France at London on May 13, who expressed the belief that, "in view of the importance and wide scope" of the migration problem, "it would be desirable to make a general review of the various activities in this field" to determine "whether there are additional approaches which could be undertaken." To that end, they agreed to designate experts of their three Governments who would consult at an early date among themselves and with other interested governments, particularly Italy and Germany in view of their major interest in the problem. In their declaration, the three Foreign Ministers took note of the valuable work on migration problems already going forward in the ILO, the United Nations and its specialized agencies, and the OEEC, and, in particular, mentioned the conclusions reached at the ILO Preliminary Migration Conference, which had just completed its work at Geneva.

## Thailand Signs Fulbright Agreement

Thailand and the United States signed on July 1 an agreement putting into operation the program of educational exchanges authorized by the Fulbright Act.

The signing took place at Bangkok, with Nau Worakan Bancha, Minister of Foreign Affairs, representing the Government of Thailand and Edwin F. Stanton, American Ambassador to Thailand, representing the United States.

All recipients of awards under this act are selected by the Board of Foreign Scholarships, appointed by the President of the United States.

The Foundation in Thailand will consist of eight members, the honorary chairman of which will be the United States Ambassador to Thailand. The members of the foundation will include four citizens of Thailand and four citizens of the United States.

After the members of the Foundation in Thailand have been appointed, information about specific opportunities for American citizens to pursue study, teaching, or research in that country will be made public. At that time, applications for these opportunities will be received by:

### *For graduate study*

The Institute of International Education  
2 West Forty-fifth Street  
New York 19, New York

Fulbright Program Advisers on the campuses of American colleges and universities.

### *For teaching in Thai elementary or secondary schools*

The United States Office of Education  
Federal Security Agency  
Washington 25, D.C.

### *For teaching in American elementary or secondary schools abroad*

The American Council on Education  
744 Jackson Place, NW.  
Washington 6, D.C.

### *For university teaching, or advanced research*

The Conference Board of Associated Research Councils  
2101 Constitution Avenue, NW.  
Washington 25, D. C.

## Need To Step Up Defenses—Continued from page 250

plished in the immediate future without a disproportionate strain upon any of the participating nations.

We are confident that other nations will extend the fullest possible cooperation to this common effort, and we, for our part, can be content with no less effort than the situation requires.

The security of our country and of the free world of which we are a part will depend upon what we do now.

We face the need for a tremendous defense effort to be undertaken with the utmost speed, and that need must be answered by each of us who bears a measure of responsibility for the future security of our country.

## Foreign Nationals Visiting U.S.

Victor J. Thys, assistant general secretary of the Metal Workers Union of Belgium, is beginning a tour of the United States.

Lode Deweerdt, general secretary of the Landelijke Bedienden Centrale, Antwerp, Belgium, is spending several weeks in the United States.

G. L. Mapara, general secretary of the Indian National Railway Workers Federation and member of the General Council for the Indian National Trade Union Congress, New Delhi, arrived in Washington on July 20 to spend several weeks.

Eric Dumbleton, editor of the *Auckland Star*, Auckland, New Zealand, began a tour of the United States on July 20.

These visits have been made possible by the Department of State under the program for the exchange of persons.

## Americans Visiting Abroad

Dr. Ben Eiseman, chief resident surgeon, Barnes Hospital, St. Louis, Missouri will lecture in Thailand.

David H. Grimm, associate professor of dental surgery, University of California, will teach dentistry at Central University of Venezuela at Caracas.

Charles A. Myers of the Massachusetts Institute of Technology will serve as specialist in industrial relations in Sweden for 4 months.

These visits have been made possible through grants-in-aid awarded by the Department of State.

## Willard L. Thorp Resigns from ECOSOC

The President on June 30 accepted the resignation of Willard L. Thorp, Assistant Secretary for Economic Affairs, as United States representative on the Economic and Social Council of the United Nations. For the text of exchange of correspondence between the President and Mr. Thorp, see White House press release of June 30.

### THE DEPARTMENT

## Interdepartmental Standards Council Established

1. An Interdepartmental Standards Council has recently been established to coordinate matters involving national and international standardiza-



tion of commercial significance in which the United States Government is interested. The council is composed of representatives from 15 Federal agencies including the Department of State. The secretariat and the chairmanship of the council are provided by the Federal Supply Service, General Services Administration.

2. The council has the following terms of reference:

a. Study Governmental policy on national and international standardization in broad commodity fields and technical practices, and recommend to proper authorities such measures of coordination and such changes in policy or statute as may be found necessary.

b. Study and recommend appropriate channels for maintaining contact and coordinating the exchange of information between the United States and foreign governments and among the recognized groups and technical organizations within the United States Government and industry concerned with standardization matters affecting broad commodity fields and technical practices.

3. The Chief of the International Business Practices Policy Staff, Office of International Trade Policy, has been designated as the Department of State representative to the council. Any standardization matters of general interest should be brought to the attention of the council through the Department's representative.

## PUBLICATIONS

### Recent Releases

*For sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. Address requests direct to the Superintendent of Documents, except in the case of free publications, which may be obtained from the Department of State.*

**United States Educational Commission in the United Kingdom.** Treaties and Other International Acts Series 2051. Pub. 3830. 2 pp. 5¢.

Agreement between the United States and Great Britain and Northern Ireland amending agreement of September 22, 1948, as amended—Effected by exchange of notes, signed at London January 20, 1950; entered into force January 20, 1950.

**United States Educational Foundation in India.** Treaties and Other International Acts Series 2054. Pub. 3842. 9 pp. 5¢.

Agreement and explanatory memorandum between the United States and India—Signed at New Delhi February 2, 1950; entered into force February 2, 1950.

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Monthly list of foreign diplomatic representatives in Washington, with their addresses.

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## THE CONGRESS

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## The United States in the United Nations

[August 5-11]

### Security Council

In its meetings on August 4, 8, and 10, the Security Council was largely concerned with a long procedural debate over the question of seating the representative of the Republic of Korea. Ambassador Yakov A. Malik (U.S.S.R.) as President of the Council has continued to refuse to rule on a point of order raised by the Chinese representative, and supported by the United States, the United Kingdom, France, and others. These delegations have maintained that in accordance with the July 25 decision of the Council the representative of the Republic of Korea is entitled to continue to participate in the Council discussion of the Korean crisis and that it is the Council President's duty to seat him. Ambassador Malik has maintained that representatives of both the South Korean and North Korean regimes should be invited.

At the opening of the meeting on August 4, Ambassador Malik introduced a resolution whereby the Security Council would decide: (a) "in the course of the discussion of the Korean question, to invite the representative of the People's Republic of China and also to hear representatives of the Korean people"; and (b) "to put an end to the hostilities in Korea and at the same time to withdraw foreign troops from Korea." Another Soviet proposal presented on August 8 asked the Council to recognize that United States bombing of Korean towns and villages was a "gross violation of the universally accepted rules of international law." The Council was asked to call upon the United States to cease the bombing of towns and populated areas and "also the shooting up from the air of the peaceful population in Korea"; and to instruct the Secretary-General to call the decision of the Council immediately to the attention of the United States.

In the course of the meetings, Ambassador Warren R. Austin (U.S.) gave a detailed statement of the United States position on responsibility for the Korean war and answered a number of charges made by Ambassador Malik.<sup>1</sup> He commended as an effort to promote a truly peaceful settlement of the Korean question the United States resolution which asks the Security Council to condemn the North Korean authorities "for their continued defiance of the United Nations" and to call upon all states "to use their influence to prevail upon the authorities of North Korea to cease this defiance." The resolution also calls on all states to refrain from assisting or encouraging the North Korean authorities and "to refrain from action which might lead to the spread of the Korean conflict to other areas . . ." Ambassador Malik, on the other hand, made several lengthy statements in which he accused the United States of being the only aggressor in Korea.

### Economic and Social Council

The 11th session of the Economic and Social Council during its sixth week in Geneva completed action on the reports of the Commission on Human Rights, the Subcommission on Freedom of Information, UNESCO, the Economic Commissions for Latin American and for Asia and the Far East, and the International Telecommunication Union. These reports had been considered earlier by various committees which had made recommendations and resolutions with regard to them. The Council also adopted a number of proposals concerning relations with and coordination of specialized agencies. In addition, it called the attention of governments to the Secretary-General's report on insecticides and urged them to adopt measures for

<sup>1</sup> In this issue and following issues of the BULLETIN will be printed U.S. statements on this important debate.

increasing the supply and utilization of insecticides in the control of malaria.

The Council decided to transmit the draft International Covenant on Human Rights to the General Assembly with a recommendation that it reach a decision on certain policy issues. These issues involved the general adequacy of the first 18 articles and of the articles relating to implementation of the Covenant; and the desirability of including special articles on (1) the application of the Covenant to Federal States and to non-self-governing and trust territories, and (2) on economic, social, and cultural rights. The Council recommended that the draft Covenant subsequently be returned to the Commission on Human Rights for revision in the light of the directives from the Assembly and requested that the Council resolution be transmitted to member states for comment. The United States representative abstained on the resolution regarding future action on the Covenant in view of the preference that the Covenant be completed this year.

With regard to a draft Convention on Freedom of Information, also dealt with in the report of the Commission on Human Rights, the Council rejected a resolution recommending that the General Assembly proceed with elaboration of that document. The United States representative explained that he considered the resolution both unnecessary and undesirable. The Convention would be before the General Assembly in any event, he explained, and such a recommendation by the Council would appear to prejudge the decision to be taken by the Assembly.

Other of the Council's recommendations in connection with the report of the Commission on Human Rights involved a request to UNESCO to emphasize educational activities designed to eliminate discrimination and prejudice, and a request that member governments be invited to furnish information on legislation and other action found useful in preventing discrimination and protecting minorities.

In completing action on the report of the Subcommittee on Freedom of Information and the Press, the Council approved a number of recommendations relating to freedom of information, one of which involved transmitting to the General Assembly a resolution condemning the jamming of foreign broadcasts and asking the Assembly to call on all member governments to refrain from such interference with freedom of information. Although the United States representative voted for the resolution, he said that his delegation still held the view expressed earlier in the Social Committee that the specific reference to the Soviet Union in connection with interference with radio broadcasts should not have been deleted from the resolution. With regard to the draft code of ethics for journalists, which had been considered by the Subcommittee, the Council approved a recommendation that the Secretary General trans-

mit the code for comment to information enterprises and professional associations and submit an analysis of the comments to the Subcommittee for use in its reexamination of the draft code at its next session. Among other recommendations approved was one that member states, when compelled to declare a state of emergency, should not impose measures to limit freedom of information beyond those required by the situation.

With regard to the report of the Economic Commission for Latin America, the Council noted "with approval" the Commission's proposal for a study of ways and means to expand trade between Latin American and Europe and recommend the allocation of funds necessary to implement the decisions of the last session of the Commission. The United States representative abstained in the vote on this resolution, explaining that the United States could not accept all the conclusions in the Economic Survey of Latin America nor agree with some of the recommendations of the Commission with regard to economic development.

In approving the report of the Economic Commission for Asia and the Far East, the Council noted in particular the work program outlined in the report and recommended the allocation of funds necessary to execute it. The United States representative was among those who expressed satisfaction with the improvement of the Commission's work. He also stressed the need for economic and social advancement in Asia and said that he thought the Commission's success rested on its ability to isolate specific problems and concentrate on them.

After reviewing the report of the International Telecommunication Union, the Council asked that organization in its next annual report to include a general review of its work during the year and an account of its relations with other international organizations and of measures taken under its agreement of relationship with the United Nations. This resolution was originally proposed in the Council's Coordination Committee by the United States representative who felt that the Union's report before the Council was inadequate.

#### **Commission for Conventional Armaments**

At its meeting on August 9, the Commission for Conventional Armaments decided to transmit the report of its Working Committee, for the period of May 18-August 9, to the Security Council, with a covering letter which will serve as the Commission's own report. The chairman of the committee described the committee's work, during this period, on the question of safeguards as "only the first step" toward the ultimate goal of an effective system of regulation and control of conventional armaments. In commending the contributions of certain members to the committee's work, the chairman expressed appreciation for the four United States working papers.

# Contents

<b>General Policy</b>	<b>Page</b>	<b>International Information and Cultural Affairs</b>	<b>Page</b>
Discussion of Korean Case in Security Council. Statements by Ambassador Warren R. Austin:		Foreign Nationals Visiting U.S. . . . .	255, 274
Complaint of Aggression Upon the Republic of Korea . . . . .	243	Americans Visiting Abroad . . . . .	274
Relief and Rehabilitation in Korea. . . . .	243	<b>Occupation Matters</b>	
Debate on U.S. Resolution Urged . . . . .	245	Information Requested on Japanese Held in Soviet Territory. Statement by William J. Sebald . . . . .	256
Nations Offer Ground Forces for Use in Korea. Excerpts From Statement by Ambassador Warren R. Austin . . . . .	246	U.S. Member of Ruhr Authority. . . . .	257
U.S. Hospital Ships Designated for Use in Korea . . . . .	248	<b>Technical Assistance</b>	
<b>The United Nations and Specialized Agencies</b>		The Point 4 Program—Plan for World-Wide Good Neighborliness. By Capus M. Waynick . . . . .	258
Discussion of Korean Case in Security Council. Statements by Ambassador Warren R. Austin:		The Problem of Underdeveloped Areas. By Donald D. Kennedy . . . . .	261
Complaint of Aggression Upon the Republic of Korea. . . . .	243	<b>International Organizations and Conferences</b>	
Relief and Rehabilitation in Korea. . . . .	243	U.N. Conference on Declaration of Death of Missing Persons. By John Maktos . . . . .	264
Debate on U.S. Resolution Urged . . . . .	245	ILO Preliminary Conference on Migration. By Irwin M. Tobin . . . . .	270
Nations Offer Ground Forces for Use in Korea. Excerpts From Statement by Ambassador Warren R. Austin . . . . .	246	<b>The Congress</b>	
U.S. Hospital Ships Designated for Use in Korea . . . . .	248	Additional Funds for Military Assistance Requested . . . . .	247
U.N. Conference on Declaration of Death of Missing Persons. By John Maktos . . . . .	264	Immediate and Urgent Need To Step Up Defenses—Additional Funds Asked for Mutual Defense Assistance Program. Statement by Secretary Acheson. . . . .	249
ILO Preliminary Conference on Migration. By Irwin M. Tobin . . . . .	270	The President Sends Midyear Economic Report to the Congress. Excerpt From the President's Message . . . . .	260
Willard L. Thorp Resigns From Ecosoc . . . . .	274	Legislation . . . . .	275
The United States in the United Nations. . . . .	278	<b>The Department</b>	
<b>Economic Affairs</b>		Interdepartmental Standards Council Established . . . . .	274
The European Customs Union Study Group. By Howard J. Hilton, Jr. . . . .	251	<b>Publications</b>	
Reparations Plant for Producing Aluminum Offered U.S. Industry . . . . .	263	Recent Releases . . . . .	275
<b>Treaty Information</b>			
Thailand Signs Fulbright Agreement. . . . .	274		

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